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**Child Protection and Independent Day Care Services:
examining the interface of policy and practice**

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ABSTRACT

This thesis adopted a tripartite analysis of child protection policy and independent day care practice incorporating three types of evidence including an historical policy analysis, a contemporary policy analysis and analysis of new empirical data from independent day care providers.

The theoretical framework incorporated a view of power in social policy that allowed for multiple perspectives on, and sources of control over, the direction of policy, and a perspective on caring that emphasised the social relations of caring alongside the human activity of caring. Policy recipients were seen as significant social actors, whose views on policy implementation provided an important contributing voice in an evaluation of policy in practice.

The policy analysis began by noting that the two fields of child protection and day care had developed in parallel, overlapping rarely, but were brought together in the Children Act 1989. Public policies in the field of child welfare have long identified a potential or actual rôle for public day care services in preventing abuse, but the implications in practice for such a role being undertaken by independent day care services has not been explored in practice.

The study found that while there is little evidence of formal policy implementation, following the publication of *Working Together* (Home Office et al., 1991), about 20% of a sample of 49 day care providers had had experience of child protection investigations on their premises. A further 30% had experience of making referrals to, or caring for children on behalf of, social services departments.

Key themes used to explore the operation of the policy in practice were the particular structural contexts of independent day care services, social relations between providers and parents, and the implications of these for the policy objective of 'partnership'.

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CHAPTER ONE

INTRODUCTION

1.1 Inspiration

This thesis is concerned with the operation of social policy in one group of child care settings. It examines practices at the convergence of two fields of social policy: one concerned with 'child protection' and the other focusing on 'day care'. It is concerned with the views and experiences of women who work in day care, previously known as 'workers', but under the new terminology now called 'providers' of day care¹. The fields of policy have parallel traditions in legislative and professional debates and discourses, and these are brought together in the Children Act 1989. While the two policy traditions are informed by the same dominant ideologies of motherhood and childhood, they have been conducted largely in isolation from each other. This isolation was well illustrated for me when I asked senior managers in two local authority social services departments (SSDs) who were responsible for child protection policy whether they had ever discussed day care settings within the chief forum for child protection discussions (the Area Child Protection Committee). In both cases I was greeted with blank looks. The 'problem' of operating a child protection policy within day care settings had not been conceptualised in either local authority. Why, then, might it be a problem?

My starting point for exploring how childminders, playgroup leaders and day nursery managers (the principal registered day care providers with whom I am concerned) interpret and operationalise the child protection policy was a fraught conversation with an under eights adviser in early 1992. She was frantic because she had, she thought, 'told' the childminders for whom she was responsible 'many times' what to do if they had any concerns about the children they looked after. The advice was to ring her, immediately.

¹In this context 'providers' refers to individuals and organisations who deliver day care services. Its usage is not to be confused with local authorities or charitable organisations which provide services on a larger scale. The term has also been introduced into other services (such as the health services), to reflect a diversification of sources of provision from the state to the private and voluntary sectors.

Yet this was a Monday morning and she had been telephoned to say that on the previous Saturday, while on a course, one of her childminders had heard that a colleague's minded child had several bruises and she had not reported them. The under eights adviser was worried lest the child suffered further physical injury, but was beside herself about how to instil the 'correct procedure' into her childminders.

This conversation raised questions for me. How many childminders and other day care providers observe examples of child 'abuse' and are not quite sure what to do? What are the problems they encounter if they do report cases of child 'abuse'? While other professionals working with children may experience difficulties and anxieties in identifying abuse, was there something specific about the location of day care (primarily small-scale and within the private and voluntary sectors) which generates, or contributes to, any difficulties providers may have in reporting cases of possible child abuse, or more general anxieties about children's health and welfare? If there are particular problems of ensuring that providers report such cases accurately, is the cause one of inadequate training, or are there other, more structural² and perhaps intractable features of the issue of child abuse in day care at work?

The above conversation took place a year after revised guidelines for the arrangement of 'interagency co-operation for the protection of children from abuse' were published by the Department of Health, known as *Working Together* (Home Office *et al.*, 1991(hereafter referred to as *Working Together*). This document at the time represented the primary source of national child protection policy. It specifically referred to the roles and responsibilities of day care providers and social services departments in formulating local procedures to ensure that cases of suspected child abuse are notified to SSDs for investigation (*ibid.*, 4.4.1 and 4.4.2). The conversation reported above seemed to indicate that these roles and responsibilities for day care providers as envisaged by national policy may not be easily translated into practice and merited further exploration.

² By 'structural' I am referring to those conditions which shape the working environment. This includes factors such as employer and management style, relevant law, government guidance and regulations, opportunities and constraints such as qualifications and training, hours of opening and established methods of working, as well as customer expectations of the service.

1.2 Aims and Objectives

This thesis, therefore, examines the interface of child protection policy and day care services for young children. The question addressed is what happens when policy developed in one field (child protection) is transferred to another field of policy (day care) with a different history and set of understandings about practice.

Using a combination of data sources, the aims of the thesis are to:

1. Investigate the underlying assumptions that have shaped (and continue to shape) the development of policy in child protection and day care in the private and voluntary sectors;
2. Identify the policy concerns and the research evidence that relate to practice in such settings and consider whether they influence day care practice;
3. Explore the operation of the child protection system in private and voluntary sector (i.e., non statutory) day care settings.

Following from 3., specific objectives are to establish:

- a) The extent to which day care providers are involved in identifying, reporting and monitoring cases of suspected child abuse;
- b) The issues and dilemmas which arise for day care providers when they do participate in the system of child protection.

In this introductory chapter, I aim to set out relevant features of the policy context for the study; to provide a specific definition of the primary terms 'child protection' and 'day care' employed here, and to identify the particular policy context in which the study will be situated. Finally, I will set out the different kinds of evidence on which the thesis will draw.

1.3 Relevant background features to the study

Over the post-war era, day care services have increased in volume and diversified in scope. Particular changes have taken place in the late 1980s and early 1990s which provide a background to this study. For example, between 1987 and 1992, the volume of registered day nurseries (i.e., those in the private and voluntary sectors) increased by nearly 200%, from 30,687 places in 1987 to 91,600 places just five years later (Bull *et al.*, 1994a, table 2.2a). The number of places with childminders similarly escalated, although not to quite the same degree: 148,845 places in 1987 and 252,100 places in 1992, an increase of almost 70% (ibid.). By way of contrast, the number of children attending public sector day nurseries saw a decline in this period, from 34,709 to 28,400 (-18%) (ibid.).

Alongside changes in the volume of services, the range of services for this age group has been extended. In the 1960s playgroups were established, utilising the self-help voluntary sector tradition to provide day care services on a large scale. Moreover, the Children Act 1989 specified that local authorities have a general duty to provide family centres (Schedule 2, para 9) for children, parents and carers and these may provide a range of activities and advice services. Some of these services may focus on issues of parenting difficulties and may be located in the premises of former local authority day nurseries. They may or may not provide day care for children away from their parents (DoH, 1991a:3.18, 3.19). I will return to the relevance of family centres as a source of comparison in paras. 1.4.2 and in 6.3.1.

Three features of Britain's social and political context provide a background to a study of child protection policy in day care practice. The first is that when the development of Britain's day care is compared with that of some other European countries, what is striking is the absence of a national policy to address the purpose, ethos and provision of day care services for young children overall (Cameron *et al.*, 1999). For example, in Norway, Denmark and Spain national legislative frameworks exist to promote care and education services for all preschool aged children (Moss, 1996). In Britain, this has not,

historically, been the case. Rather, day care services have developed across the public, private and voluntary sectors, but not as a result of a coherent national policy. These services have had differing aims and addressed differing needs, as I shall show later in this chapter and in Chapter Six.

While the current Labour government (1997 -) has taken steps towards a national childcare strategy (DfEE, 1998), the absence of such a policy heretofore begs questions both about the underlying assumptions on which services are based, and the extent to which the state is involved in the provision of services. One example of a limited role for the state in the field of day care can be seen in the remit of the Children Act 1989 in services for under eights (the age group was changed from under fives to under eights in this legislation). The relevant provisions of this legislation were primarily concerned to update the system of *regulation* of day care and out of school care services, rather than, for example, extending the availability and accessibility of the day care services to all children (Cameron and Moss, 1995).

A second feature providing a background to this study is the changes in women's employment patterns from the 1980s onwards. Women's participation in the labour market has increased markedly over the post-war years, and that of married women has increased at an even faster rate so that over half of all married women were employed or seeking work by the early 1990s (Crompton, 1997). Even more striking is the change in employment patterns among mothers of young children. During the latter half of the 1980s, the labour market participation of mothers of young children under five rose by 129%, and that of mothers who worked full-time by 140% (Harrop and Moss, 1995:431). This pattern continued into the 1990s. Holtermann et al. (1998) documented the employment rates of mothers with children under five as increasing from 45% in 1990 to 57% in 1997, a much larger increase than for mothers of older children (Holtermann et al., 1998:table 4.4.2). A greater proportion of mothers were employed part-time than full-time in both 1990 and 1997, but the trend, even among mothers of preschool aged children, was towards more full-time employment (ibid.).

Although many mothers work part-time and/or use relatives to care for their children (Meltzer, 1994), one implication of this increase in mothers' employment is an increasing demand for formal day care services while parents work. However, despite the rapid increase in some services (see above), there is evidence of a gap between supply and demand, particularly for younger children (Moss, 1996). In Britain, the Day Care Trust estimates, for example, that one place exists for a preschool aged child for every nine such children (Day Care Trust, 1997:1).

The third background feature to this study of child protection policy and day care practice is the concerns of the state with children and family life in general in the 1980s. As I shall argue in Chapter Five, by the 1980s it had become apparent that the systems to ensure childrens' welfare put in place by the 1948 Children Act were beginning to fail and needed re-examination. The deaths of several children whose families were in contact with, or being supervised by, SSDs, and the subsequent inquiries into welfare agencies' practice epitomised this anxiety about the social work profession and led to a concern with improving systems of child protection and refining assessments of 'risk' to children (Parton, 1991).

At about the same time, government reviews of the legislative framework (e.g., the Short Report, 1984) suggested that the law itself should address the relative balance of rights and responsibilities between the state, parents and children. To effect this balance, the twin concerns were with the state's responsibility for the protection of children and with developing a positive approach to the prevention of the deterioration of a child's social and familial circumstances (Parton, 1991:19 - 51). These ideas found expression in the Children Act 1989. For example, section 17 established local authorities' responsibility both to promote children's upbringing by their families and to identify and provide for children defined as 'in need'. Other measures to effect a balanced approach to responsibility for children's welfare included section 3, which introduced the concept of 'parental responsibility', aimed at replacing the notion of parental rights, and the key theme of partnership with parents in implementing the provisions of the Act (DoH, 1991a:2.27). In these ways, along with a series of protective measures available through

the courts, the dual emphasis in the legislation was on voluntaristic arrangements between parents and the state to effect both prevention and protection where necessary. As I report in Chapter Six, a number of government reports in the 1970s and 1980s cited day care services as able to offer a preventive, supportive service to children and families, but the extent to which they could also contribute to the system of protection and the assessment of risk was never examined in detail.

These three issues raised questions for a study of the interface of child protection and day care. First, until recently, a policy vacuum existed in day care. It may be that the lack of a policy contributed to the relative lack, and erratic distribution, of services such as childminders, day nurseries and playgroups (Moss, 1996; Owen and Moss, 1989). These services traditionally catered for a minority of preschool aged children and were traditionally regarded as somewhat residual (although there have been recent changes to both volume and policy activity). A lack of policy attention meant there was comparatively little focus or consensus on the purpose and ethos of day care services, and consequently on the training and skills of its workforce (Moss, 1996; Moss and Penn, 1996). By contrast, child protection issues and practice was a well-developed field of social policy. This raises questions about the implications of introducing a policy from an established field into one without such an historically firm policy basis.

Second, the increase in mothers' employment represented not just a change in labour market participation rates, but also a challenge to conventional ideas about women's 'proper role' as home-based mothers, within the normative societal expectations of the motherhood role (sometimes referred to as an 'ideology of motherhood'). At the same time, changes in employment in turn created a new focus on childcare arrangements and day care services, in which the private and voluntary sector providers of full day care played an important role (e.g., DfEE, 1998). What issues might arise if a new set of social relationships emerges between women working outside the home and women employed in day care services; relations mediated by a mutuality of experiences, and ideologies which have historically emphasised full-time motherhood, and what consequences might result from the imposition of a child protection policy upon these relations?

Third, how might the dual roles of protection and prevention, seen to be central to the effectiveness of child care policy by the Short Report 1984, and the subsequent Children Act, find expression in the perceptions, views and experiences of day care providers?

1.4 Definitions and Scope of the Thesis

It will be apparent that the problem the thesis sets out to investigate assumes that the field of child protection, and that of day care are separate, although they have historically developed in parallel. These separate, distinctive fields require further definition in order to set out the scope of the thesis.

1.4.1 Child protection

'Child protection' emerged as a specialized segment of social work practice in the 1980s addressing itself to the investigation of, and planning for, children, who are suspected to be at risk of harm in their families. Child protection policy had national direction in the form of government guidance (e.g., *Working Together*), guidance which is itself a development from earlier policies addressing the problem of child abuse and non-accidental injury to children (e.g., *Memorandum on Non Accidental Injury to Children*, DHSS, 1974). This guidance sets out procedures on how incidents of suspected child abuse are to be dealt with by local authorities, as well as allied agencies such as health authorities and the police services. The emphasis is on interagency working on the assumption that working together for the protection of children is likely to be more effective than working separately.

Documenting the activities of social services departments in the modern era, Parton (1991) argued that in the 1980s, child protection replaced child care as the explicit project of local authority social work with children and families. Child protection became their main focus and central responsibility. Up to this point, then, child protection is essentially a set of procedures and a way of working with the problem of child abuse and neglect or maltreatment of children. It is led by SSDs and is meant to engage health, welfare and

other agencies as required.

In 1995, the Department of Health published *Child Protection: Messages from Research* (hereafter referred to as *Messages from Research*), a document reviewing research commissioned by the Department since 1988 concerned with child abuse and protection. This refers to the 'child protection process' and the 'child protection system' (DoH, 1995b:25, 27) which has clearly identifiable stages, (such as) pre-investigation, first inquiry, family visit, and conference and registration' (ibid., p26). One of the conclusions from the review of research was that many more children were caught up in the 'process' than were offered services designed to help their, or their families' circumstances, and that it may be better to redirect social work efforts towards the provision of *services* which may do more to alleviate the problems (ibid.). Child protection, in other words, should no longer be seen as a set of procedures for dealing with child abuse, but should incorporate family support services: investigations and services should not be seen as alternatives, but in tandem they represent an integrated approach to local authority duties towards children and families under the Children Act 1989 (Parton, 1995).

Government responded to the research review with a new interpretation of policy, although *Working Together* was not replaced at that point (although changes are expected in 1999). The review document and the rethinking of child protection occurred during the time in which this thesis was being completed and raised problems for the premise of the argument that child protection is a formal policy instrument and that its impact on day care providers is potentially problematic. If the responsibilities of child protection are not limited to those prescribed by *Working Together*, but instead the protection of children is to be understood as a responsibility of all services for 'family support' within which day care is one part, the shape, character and boundaries of the formal policy instrument becomes somewhat occluded. Nevertheless, when the thesis was conceived, *Working Together* represented the government's *written policy* on multi-agency responsibility for involvement in the child protection process and day care was given specific attention as an agency that could identify, report and monitor cases of suspected child abuse (Home Office *et al.*, 1991:4.41; 4.42). It is on this basis that the thesis rested the central aim: to

explore how far child protection roles and procedures might be problematic for (independent) day care providers.

1.4.2 Day Care

Day care for young children in Britain has been characterized as fragmented and diverse (Bull et al., 1994). The diversity is encapsulated by range and types of services available for preschool aged children. The term day care includes day nurseries³, playgroups⁴, and home based services such as childminders⁵ and nannies⁶. Day care also includes out of school clubs and holiday playschemes⁷. In addition there are education services, such as nursery schools and classes, which cater for three- and four-year old children mostly on a sessional basis, and family centres. Family centres operate on several models (Smith, 1996), but are defined in the Children Act 1989 as places where a child, parents and anyone with parental responsibility for or caring for the child may go for occupational, social, cultural or recreational activities or advice. Guidance specifies three main types of family centre: therapeutic, for carrying out intensive casework with families experiencing severe difficulties; community, a neighbourhood based facility for parents; and self-help, which offers various support services for families (DoH, 1991a:3.20)⁸. Together these care and education services have been referred to as 'early childhood services' (Pugh, 1996).

³Day nurseries offer all day care for children aged 0-4 years. They are run in the public, private and voluntary sectors. The latter two categories are also known as 'independent' referring to services run outside the public sector, or 'registered' under Part X of the Children Act 1989.

⁴Playgroups or preschools (largely) operate in the voluntary sector and offer sessional care and education. They are usually run by a 'parent-led' committee and take children from 2 ½ or 3 years of age.

⁵Childminders are self-employed persons who charge fees to care for children in their own home.

⁶Some services, including nannies, local authority day nurseries and establishments run within independent schools or by health service hospitals, are exempt from regulation (Part X, Schedule 9 (3), (4), the Children Act 1989).

⁷Out of school clubs and holiday playschemes provide sessional care before and after school; holiday playschemes provide care during school holidays and half terms (DoH, 1998).

⁸Further details of the training background, child protection activity and general welfare roles of family centres staff are given in paras. 2.4.2. and 6.1.3.

I have referred above to the lack of a policy and comparative lack of an established consensus about the purpose and ethos of day care services in Britain. One result is that responsibility for early childhood services as a whole has been fragmented between different government departments (the Department of Health (DoH) (day care) and the Department for Education and Employment (DfEE) (early education)), although this was partially remedied in 1998, when responsibility for regulating day care was passed to the DfEE, and between different local government departments (although some local authorities run unified services from a single department).

Furthermore, the different types of services outlined above emanate from differing philosophical traditions and incorporate different goals which may overlap. For example, day nurseries in the public sector may primarily focus on providing for the welfare needs of children, while day nurseries and childminders in the private sector may focus on providing care for children of working parents. In comparison, nursery schools and classes focus on early education, and rarely attempt to provide care for children of working parents, although some services have sought to combine these traditions, such as combined centres offering both care and education services. Those who advocate early childhood services recognise the conceptual inseparability of 'care' and 'education' in terms of young childrens' needs and argue that their services should not employ such conceptual divisions (e.g., Pugh, 1996).

A further source of fragmentation within early childhood services is found in the relationship between the state and the provider of the service, or more precisely, the extent to which the state oversees, or regulates the work of the service. Some services are funded and run by the state, including day nurseries, family centres, nursery schools and classes. The majority of services, however, are run outside the public sector, by private or voluntary sector providers. Such providers include large national voluntary sector organizations (such as the NSPCC, National Children's Bureau, Save the Children Fund, Barnardo's and The Children's Society) providing family centres (although some of these may be partially or wholly funded by the state), national or local chains of day nurseries, community groups running a playgroup or individuals running a childminding business

from their home. However, there is some evidence to suggest that the majority of these services are run on a small-scale basis. Two-thirds of day nurseries in a survey of English day care services were managed by an owner and a similar proportion of playgroups were managed by a parent-led committee: childminders are nearly all individual businesses (Moss et al., 1995) (see also LGMB, 1999). All the services represented in the interview data for this study were either small-scale businesses or run by voluntary sector committees. Table 1:1 summarises the places available in day care and early education services.

Table 1:1 Places in Day Care Services for children aged 0-7 years (1997) and in schools for children aged 0-4 (1998), England

Type of service	Places	Children attending
Day nurseries		
Local authority	20,200	27,500
Independent	173,700	* No information
LA placed and paid for*	1,900	ditto
Family Centres	No information	No information
Playgroups		
Local authority	1,300	2,300
Independent	382,400	No information
LA placed and paid for*	8,500	ditto
Childminders		
Local authority	3,500	1,400
Independent	361,700	No information
LA placed and paid for*	3,100	ditto
Out of school clubs and holiday playschemes		
Local authority	35,200	No information
Independent	237,600	No information
Schools**		
Maintained nursery school		
+ class+ reception class	543,203	722,004
Independent schools	46,384++	66,454

Sources: Tables 2,6,8 DoH, 1998; DfEE, 1999; DfEE, 1998b

* These are places paid by the local authority for children to attend services in the independent sector

** Schools places calculated as full-time equivalents on basis that two part-time pupils occupy one FTE place

Table adapted and updated from Bull *et al.* (1994a).

Table 1:1 shows that by far the majority of day care services are located in the

independent sector, while the reverse is true for education services. Combining the independent sector nursery, playgroup and childminding services, registered services care for nearly one million children every day. It is in these services that this thesis seeks to investigate child protection practice.

Two further features of day care services require highlighting here. First, the independent sector services with which I am concerned are required to be registered under Part X of the Children Act 1989, and thus, when the study began were a responsibility of the Department of Health, the same department that holds responsibility for child protection policy. The requirement to register is not new, but the Children Act extended the system. This regulatory role defines the relationship between the day care provider and the local authority (usually the SSD) and provides an opportunity to ensure that some minimum standards are upheld in the day care services.

*

The requirement to register services covers childminders who look after children under eight and providers of 'day care or other supervised activities on non domestic premises' and in practice this refers to playgroups, day nurseries and out of school care for children under eight (DoH, 1991a:7.23). By contrast, public education services are inspected by an agency outside the local authority (OFSTED), and are otherwise a responsibility of the local authority. Guidance outlines the main purpose of regulation as to protect children, as well as to provide reassurance about the quality and consistency of care (DoH, 1991a:4.9). All state policy that impinges on the operation of services can be considered as a means of regulating the activities of services (Chapter Three explores the scope of policy in more detail). Child protection policy could be considered an example of the regulation of day care, by introducing new roles, varying others and imposing requirements on practice.

The second feature of day care to be highlighted is the extent of public subsidy and the consequent structuring of access to day care services. While most education services are publicly funded through taxation, most day care services are dependent on parental fees. Bull *et al.* (1994a) calculate that fewer than 10% of children attending day care services

have places which are publicly funded (in nurseries or family centres) or subsidised through local funds. Such subsidy arrangements can be made by local authorities to enable children to attend day nurseries, childminders or playgroups, either through sponsored places, (known as 'placed and paid for' in DoH statistics) or through fee-subsidy arrangements for groups such as playgroups (Cameron and Statham, 1997).

To summarise, a range of day care services have arisen to meet different kinds of care and education needs, they have arisen from different administrative and philosophical traditions, and without an overall strategic policy (Chapter Five explores this in more detail). The Children Act and its Guidance identify day care services as an important part of family support services, and these services in turn are seen as supporting the local authority duty to promote the upbringing of children by their families (DoH, 1991a:3.1). Family centres constitute another important part of family support services and in some cases evolved out of local authority day nurseries and employed the same staff or staff with similar backgrounds to those previously employed in the day nurseries. However, these services, and local authority day nurseries themselves, have not been included among the groups of day care providers in the interview study for this thesis. This is because their roles extend beyond simply providing day care to providing support, advice and sometimes therapeutic services; because the variation between different types of family centres (see above) and differences between registered day care services and family centres (see para. 1.4.3 below), and seemed beyond the scope of the thesis to explore in the necessary detail; and because to include more provider types would complicate and perhaps dilute the discussion of providers overall. However, the relevant literature on family centre and public day nursery staff will be referred to in paras. 2.4.2, 2.4.4, and 6.3.1⁹.

1.4.3 Focusing on the private and voluntary sector: the structural context

There are three main reasons why I decided to focus my investigation of practice in those

⁹The thesis is structured into numbered paragraphs or sections, which are used to make cross-references. Hereafter these will be referred to by number only, e.g., 2.4.2.

day care services in the private and voluntary sector. First, the publication of *Working Together* brought private and voluntary sectors into the specific orbit of childrens' policy aimed at protecting young children in day care services for the first time. It is therefore important to investigate the views and practices of people working in these settings. Such a specific focus, so far as I could ascertain, had not been previously undertaken. Second, as outlined above, the proportion of day care services in the private and voluntary sectors greatly outweighs that in the public sector, thus practice in these sectors potentially affect far more children than practice in public sector services.

Third, independent services appeared to have a different structural context from those operating within the public sector. As I document in more detail in 2.4.4., changes in the admission criteria for public nurseries have led to those services adopting a family support role for children at risk of nonaccidental injury or significant harm (Van der Eyken, 1984). These children were known to have significantly more severe behaviour problems than those attending either nursery schools or playgroups (McGuire and Richman, 1986). The highly specialized environment in which public day nursery staff work may mean they are more exposed to issues of child protection and abuse than those working in day care services which are designed for a more general population of young children. Although difficulties and similar personal anxieties may exist for these staff in identifying, reporting and monitoring suspected child abuse, it is arguably the case that by being part of the local authority, the staff would have access to training and support services that may be less available for independent, often small scale, day care providers. The particular structural context, by which I am referring to the particular characteristics of the population of children, their employment conditions, management structures in place in the services, the availability of support and training, and of specialist training in child protection/abuse, of private and voluntary day care appeared to be worth exploring in their own right.

In so electing to focus on the analysis of child protection policy and practice outside the statutory or public sector, the thesis does not compare practice in private and voluntary sectors with that in the public sector, such as in day nurseries, nursery schools or family

centres. This is not to ignore or underestimate the contribution which a comparative appraisal might add to an overall understanding of child protection practice and published research will be used to draw comparisons between the experiences of workers in each setting. But the decision to focus on practice among services offering general non-welfare-specialist day care, the need to limit the range of early childhood services included in the interview stages of the study in order to provide a focus for the study, and the availability of some access to some services and not others, led me to exclude family centres and public day nurseries¹⁰. Indeed, the main focus of the thesis is on the analysis of policy and practice where the site of operation (day care in the private and voluntary sectors) is a relatively new departure for child protection policy; and where the specific working environment of day care providers may herald new working relationships between those services and the local authority.

1.5 Day care services and child protection policy *

A study of child protection policy and day care was considered potentially fruitful not simply because the policy document *Working Together* formally prescribed roles for day care providers. Two further reasons suggested that a study might be worthwhile. First, day care services look after an age group of children who are especially vulnerable to registration on the child protection register (CPR). The figures for registration collated by the Department of Health suggest that the rates of registration on the child protection register are higher for children under five than for any other age group. Forty-two per cent of children registered on the CPR were under five years of age (DoH, 1995a). Thus, according to this index, children of the age group to attend day care services are more likely to be at risk of maltreatment than other age groups.

Second, research suggests that preschool services can have the effect of ameliorating 'risk' and promoting children's welfare. A review of research on preschool provision and children's needs by Gibbons *et al.* (1995a) concluded that 'it does appear that preschool

¹⁰My employment on a study of the implementation of the Children Act 1989 in day care services provided a point of access to registered day care services to undertake interviews. Chapter Four gives further details.

provision can have a number of significant benefits in terms of children's developmental competencies' (Gibbons *et al.*, 1995a:133). Furthermore, research on the sources of referral for children thought to be at risk of abuse and neglect (Hallett, 1995) suggested that day care providers who see children every day may be in a good position to report suspected child abuse.

In Hallett's (1995) study, fewer referrals were reported to come from health care professionals who see children only on a routine basis, than from family members, and from teachers and social services staff who are in contact with children and families for other reasons than abuse. She argued: 'it is to be expected that health visitors and day nursery staff would also have figured prominently in case identification had the sample included preschool children' (Hallett, 1995:75). The research evidence thus identifies young children as at especial risk of child abuse and neglect and services for this age group are well placed to respond, both in terms of reporting the abuse and ameliorating the effects of abuse and neglect by offering opportunities for social, behavioural and emotional adjustment. It is arguably the case, therefore, that policy aimed at protecting children should therefore take into account the views and experiences of providers in attempting to 'operationalise' national policy.

Beyond these general considerations, I argue that there are a number of reasons why childminders, playgroup leaders and day nursery managers and staff in the private and voluntary sectors may find the role anticipated for them in *Working Together* to be somewhat problematic. First, identifying and reporting child maltreatment or abuse is a very difficult task. This is because child abuse itself is 'highly contested': that is it is rarely something concrete and tangible, but open to different definitions both within and between different professional groups (DoH, 1995b). Indeed research has shown that other welfare professional groups will commonly find strategies to avoid defining a set of circumstances as 'abuse' (Dingwall *et al.*, 1983). Moreover, there is evidence that even in countries with mandatory reporting laws, health and welfare professionals find it difficult to report abuse, as I show in 2.4.2 (Finkelhor and Zellman, 1991; Reiniger *et al.*, 1995; Sundell, 1997).

Second, methods of identifying abuse used by welfare professionals such as social workers and doctors are usually the product of extensive preliminary and ongoing training, and take place in the context of discussions with other professional groups. As I discuss in 2.5.3 and in more detail in 6.2, day care workers in the private and voluntary sector are generally trained to a very basic level (Moss *et al.*, 1995:table 1; Moss and Penn, 1996). Moreover, the extent of their training in child protection work is perhaps further limited and by no means universal (Moss *et al.*, 1995). In addition, their working environment tends to be one of isolation from other day care workers or welfare professionals, reducing opportunities to have preliminary discussions about possible cases of child abuse.

A third issue which may pose difficulties for day care providers' participation in the child protection policy is that they may well not have much practice in identifying child abuse. Although child abuse and neglect have been a major preoccupation of social services departments in the last twenty years¹¹, different issues may exist for those who work with children, but are not trained child welfare specialists; how they should identify abuse, or how they respond to the issue.

Teachers might be considered to be in a parallel position to that of day care providers, in that they are in regular contact with children, but their remit is not centrally concerned with questions of child abuse. Again, the details of the literature are given later (2.4.3): it is argued that teachers form an important element of the child protection system, but that few are aware of this and their role is seldom acknowledged by other agencies (Briggs, 1997:11); nor are teachers confident about reporting of abuse to relevant authorities (Campbell and Wrigglesworth, 1993) or clear about their roles in interagency child protection work (Hallett, 1995). However, none of these studies gave a detailed analysis of the problems experienced by workers at the interface between child protection and education, or how this experience might contribute to problems of identification and

¹¹Estimates of the prevalence of child abuse are difficult. For example, one review of the US literature reported rates in sexual abuse, ranging from 6 - 62% of females and 3 - 31% of males (Finkelhor (1986), quoted in DoH, 1995: 22).

reporting. But all three studies identified a lack of training for teachers in the area of child protection issues.

Past research into sources of referrals of child abuse has tended to overlook day care providers. For example, in the NSPCC's examination of *Child Abuse Trends*, the 'agency or person who initiated the local child abuse procedures' is listed (Creighton, 1992:48). Day care services are not listed separately, but subsumed into the category 'School/preschool' which initiated 11% of abuse cases and 5% of grave concern cases. Day care notification may also have figured in the categories 'other agency' (2% and 4% respectively) and 'public' (2% and 2%). It is difficult to know the reasons why day care providers do not identify cases of suspected abuse. It is possible the child population they look after are less likely to be abused; alternatively, it may be that because they are not a specialist child welfare agency, providers are not 'expected' to identify abuse and are therefore not routinely asked whether they have identified or suspected abuse.

A fourth reason why day care providers may be ill-equipped in this area of work relates to the nature of child abuse itself. Abuse is distressing both for the child and for the adults (parents and carers) concerned. Inquiring into the circumstances surrounding suspected abuse may also be additionally distressing. However, there may be additional repercussions for the day care provider in dealing with suspected abuse (and which may be specific to day care), such as the likely impact on the particular relationship between the suspected parent and the provider. I shall argue later in this thesis that this latter consideration is a crucial element in understanding why day care providers are often ill-equipped in the field of child protection.

1.6 Summary

I have elected to examine the interpretation and operation of the formal child protection policy in private and voluntary day care settings for four reasons. First, a government policy specifying the roles and responsibilities of day care with respect to child protection was published in 1991, so the research was timely. Second, anecdotal evidence suggested

that there might be problems implementing the policy in practice. Third, the relatively new policy, in including services within the private and voluntary sectors, in principle extended the orbit of state influence beyond the confines of the public sector. As a 'mixed economy' of services was explicitly encouraged in the Children Act, it is important to understand the issues and problems which might arise in this context. The last reason, but by no means least, is that the tradition of child protection, within modern social work practices, appeared to have arisen in parallel, but rarely overlapped with, the tradition of day care and early years services in general. The Children Act 1989 broke with this history and brought the two traditions together under a single piece of legislation. However, the implications for practice in day care remained unexamined in policy analysis.

1.6.1 The aims and structure of the thesis and the kinds of evidence on which it will draw

This chapter has introduced both child protection policy and day care services. Analysis of the interface of policy and practice in these services forms the unifying idea or core of the thesis. Earlier (1.2), I set out the aims and objectives of the study: to investigate the underlying assumptions that shape and have shaped the development of relevant policy; to identify the policy concerns and research evidence that relate to, and possibly influence, day care practice, and to provide an analysis of the views and experiences of independent sector day care providers in the field of child protection issues and concerns.

In Chapter Two, I review the literature providing a background for the study with respect to the interface of day care and child protection. Chapter Three sets out the theoretical framework I have adopted and Chapter Four sets out the methods employed. Subsequent chapters (Five, Six and Seven) draw on three types of evidence: a) historical policy analysis, b) contemporary policy analysis and c) data drawn from the analysis of interviews about current practice. An historical policy analysis is the focus of Chapter Five (referred to throughout as 'the historical policy analysis section'), where I investigate assumptions underlying the development of policy, analyze the development of child

welfare policy since the mid-19 century (C), concentrating on the post-war era. In this historical analysis I aim to show the thematic links across the development of child protection and day care policy frameworks.

The second main type of evidence is presented in Chapter Six, where I explore the contemporary policy and legislative framework for child protection and day care (hereafter referred to as the 'contemporary policy analysis section'). This builds on the historically based analysis and aims to draw out, and discuss the implications of the common and divergent themes relevant to child protection policy and day care practice. In both analyses, as I explain in Chapter Three, the significance of predominant ideologies, or 'normative expectations' is emphasised. Such ideologies both inform policy/ies and shape or influence both interpretation of policies and their implementation in practice, by practitioners and policy makers.

*

The third kind of evidence is that drawn from interviews with day care providers, their voluntary sector representatives and local authority officers. The analysis of this data is presented in Chapter Seven (hereafter referred to as 'the day care study'). The three types of evidence are brought together in the final, concluding chapter (Eight), where links are made between the data drawn from the empirical study and the historical and contemporary policy analyses.

1.6.2 Undertaking policy analysis

Analysis of social policy inevitably takes place in a dynamic, shifting environment, in which policies may change during the lifetime of a study. This has been true of this study. I referred earlier to changes both in policy responsibility for day care (from one government department to another) and in child protection which occurred during the latter stages of the writing of the thesis. However, the constraints under which the study was undertaken (for instance, taking place on a part-time basis, over a long period of time) required me to 'freeze' the policy frame (around 1994 when the fieldwork was collected). Thus, for the reasons set out above, I have chosen to restrict myself to a

definition of child protection policies as laid out on the written policy document at the beginning of the study period (1992), and to three main independent day care services, rather than the entire range of early childhood services.

The reasons for this last point were twofold. First, the interview data collection and analysis stages of the study took place before child protection policy began to be revised through the publication of *Messages from Research* (DoH, 1995). In these circumstances, *Working Together* represented the existing policy for local authority respondents and day care providers. Second, the study took place in parallel to my employment on a study of the implementation of the provisions of the Children Act for under eights and in particular a case study of the provision of services within registered day care services. These services provided my point of access to respondents' interview data. As argued earlier, the services constituted by far the majority of care services available for young children and were characterised by particular structural features which suggested further investigation was needed. Such features include the social relationships which exist between day care providers and mothers, between mothers and the local authority, and between day care providers and the local authority. In this thesis I suggest that these relationships have some unique qualities which differentiate the experience of day care providers from workers in parallel professions such as teachers. These relations may perhaps go some way towards explaining the ways in which child protection policy is interpreted and experienced by day care providers.

CHAPTER TWO

LITERATURE REVIEW

2.1 Organisation of the literature

The literatures of child protection/abuse and of day care are each broad, and well-developed, as I shall indicate below. But the literature that specifically examines the interface of child protection policies and practice within the site of day care services for young children is sparse, and that investigating the perspective of the workforce in independent services is scarcer still. The aim of this literature overview is not to review in detail the literature in each field, but to document and explore the extent of literature relevant to my study of the interface of child protection and day care. In the course of this review I aim to demonstrate the limitations of the literature and to draw out the themes I shall pursue later in the thesis. Although my concern is with independent day care services, I will consider the relevant literature from parallel professions, as the workforces represented by these services may face similar issues and dilemmas as those confronted by the providers in my day care study.

For ease of organisation I begin by giving a brief overview of the breadth of literature on child abuse and child protection, and a similar review of the concerns of the day care literature on day care. I indicate areas of the literature that I do not describe in detail as certain boundaries around the literature discussion had to be drawn for reasons of space. I then consider the kinds of literature relevant to child protection in day care services before identifying gaps in the literature of interest to the thesis.

2.2 Mapping the literature on child abuse and child protection

The literature on child abuse and child protection is significant in volume, if not prolific. To focus on child abuse, there are numerous journals dedicated to the topic (e.g., *Child Abuse and Neglect*, *Child Abuse Review*) and writings have emerged in several disciplines. For example, writers in the fields of medicine (radiography, paediatrics),

social policy, socio-legal studies, sociology, child and adolescent psychiatry, psychology and anthropology have all considered various aspects of child abuse. In the early 1960s, child abuse was said to have been 'discovered' by North American radiographers, who documented physical injuries apparent on childrens' x-rays (Pfohl, 1977). Child abuse was assumed to be a pathological condition, labelled the 'battered child syndrome' by Kempe *et al.* (1962) in the USA and 'battered baby syndrome' by Griffiths and Moynihan (1963) in the UK. From documenting the physical manifestations of child abuse, studies have broadened in scope as new forms of child abuse have entered the public domain (such as emotional abuse and sexual abuse) and new therapeutic possibilities have been debated (e.g., Bentovim *et al.*, 1988).

Research studies have examined problems such as: estimating the prevalence of child abuse and sexual abuse in particular (e.g., Finkelhor and Hotaling, 1984; Baker and Duncan, 1985; Ghates and Spencer, 1995); arriving at an acceptable definition of child abuse, taking into account cultural variations in parenting standards (e.g., Gelles, 1987); and the social construction of child abuse among welfare professionals (e.g., Dingwall, Eekelaar and Murray, 1983). Further studies have examined issues of reporting and notification of abuse (e.g., Finkelhor and Zellman, 1991), and the long term outcomes of abuse (Gibbons *et al.*, 1995b). The question of how child abuse is managed by professionals is of particular interest to my thesis. I am concerned not so much with the physical documentation of abuse as the ways the phenomenon is socially and professionally identified and addressed: many of these latter studies will be referred to in later chapters.

'Child protection' is the main representation of the management of the problem of child abuse in the UK. Various studies have investigated the procedural and processual elements of child protection, such as parental participation in child protection (e.g., Thoburn, Lewis and Shemmings, 1995a; Lindley, 1994), decision making within the child protection system (e.g., Farmer and Owen, 1995), and inter-agency coordination in child protection (e.g., Hallett, 1995; Hallett and Birchall, 1992). The outcomes of child protection plans have also been a subject of study (e.g., Gibbons *et al.*, 1995a). Studies

have analysed the 'politics' and 'natural history' of child abuse and child protection (e.g., Parton, 1985; Parton, 1979), the perceived 'failure' of child protection policy (e.g., Walton, 1993), and the problems of evaluating child protection (e.g., Thorpe, 1994). Moreover, Milner (1993) has discussed the differing career paths of mothers and fathers in child protection investigations, and Harris (1990) has analysed the issues of power and resistance to child protection policy.

Furthermore, critical examinations of an emerging dual approach to child protection and family support have been collated by Batty and Cullen (1996) and conducted by Otway (1996) and Parton, Thorpe and Wattam (1997). Nearly all these studies focus on the 'principal actors' in child protection/abuse of social workers, parents and children. Following *Working Together* the studies of coordination look beyond the lead child protection agency (SSDs) to the activities of health services such as hospital and community doctors, health visitors and the police (eg., Hallett, 1995; Hallett and Birchall, 1992). Again, these studies provide broad sociological and social policy perspectives on the overall issues arising from participation in the system of child protection although they do not specifically address the context of day care services. Many of these studies will be referred to later in the text and this is no more than a brief glimpse of the breadth of the literature on child protection matters. In order to focus the review of literature on the specific context of day care and child protection, I will first review the breadth of day care studies before returning to the child protection literature relevant to practice in day care services.

2. 3 Day care

Research studies in developmental psychology led by Bowlby (1951) investigated the significance of the mother-child relationship and theories of attachment. The 'maternal deprivation' thesis emerged, which argued that, on the basis of research on children in residential institutions, children's healthy development required a warm, intimate continuous relationship with their mother or permanent mother substitute in which both find satisfaction and enjoyment. Bowlby's thesis was subsequently reassessed (Rutter,

1981) but his emphasis on a sole carer - ideally the mother - and on continuity of care, both drew on, and contributed to, an ideology of motherhood and mothers' 'proper role' that already held policy attention as I document in Chapter Five (and see Davin, 1978; Dally, 1982; Riley, 1983).

The maternal deprivation thesis was interpreted as having implications for both the existence and the quality of day care services. For if mother-care was the ideal, institutional care in nurseries 'must' be inferior and 'must' result in poorer outcomes for children. A large body of research since the early 1950s has investigated the quality of day care and its outcomes for children, with an implicit or explicit comparison between day care and home based mother-care (e.g., Clarke-Stewart and Fein, 1983; Belsky and Rovine, 1988; and see Mooney and Munton (1997), for a review of this literature). McGurk *et al.*'s (1993) review of the developmental psychology literature argued that this ideology of motherhood has not only framed the research agenda in day care, with a focus on comparing mother-care and day care, but has also provided a limiting framework for policy makers and practitioners. Mooney and Munton (1997) argued, however, that recent changes in employment rates among mothers and day care use among young children has rendered much of this mother-care/other care comparative debate 'redundant'. The argument about quality must instead focus on how to achieve the best possible outcomes for children in the day care services they attend.

Sylva (1994), reviewing the research on early learning outcomes for children attending services before the age of one, cited her earlier work which concluded that 'high quality day care leads to positive outcomes and low quality to adverse ones' (Sylva, 1994:90), and that for older children, research shows clearly that high quality day care is not harmful and may even enhance their development (ibid.p91). These findings are broadly supported by other research investigating child outcomes from day care in Sweden (e.g., Andersson, 1989, 1992) and in the USA (e.g., Clarke-Stewart *et al.*, 1987).

Observation scales to assess the quality of day care services have been established (e.g., Infant-Toddler Environment Rating Scale (ITERS), (Harms *et al.*, und.); Early Childhood

Environment Rating Scale (ECERS), (Harms and Clifford, 1980). These rating scales aim to provide an 'objective' measure of quality in day care centres and on domestic premises, taking into account factors such as staffing, physical environments, adult-child interaction, learning opportunities, resources available and so forth. In terms of interaction, one-to-one care is particularly highly rated, as is sensitivity to individual differences among babies and children (Harms et al., und.). It might be claimed, then, that the scales are drawing on a set of values about individual or even substitute mother-parental care as the predominant model in day care.

Indeed, researchers have suggested that these apparently objective measures are not sufficiently sophisticated to accommodate differences in the social and cultural contexts of day care services of differing types and differing social and policy environments (Brophy and Statham, 1994; Moss and Pence, 1994). Such differences may indicate different values placed on differing care environments and for different purposes, making a single rating scale hard to apply universally. For example, Brophy and Statham (1994) argued that the ECERS scale valued teacher-directed learning over child-initiated free play, whereas in playgroups, this latter was a central tenet of the overall philosophy. This meant that using ECERS in playgroups was difficult, as it was hard to take into account the particular perspective and values of the day care service under study.

Further critiques of the developmental psychology perspective have been made by Singer (1993) who argued in favour of context-bound theories of the socio-emotional development of children as a basis for investigating the quality of day care services; and by Dahlberg, Moss and Pence (1999) who argued that variations in the conception of the child are a critical element in conceptualising the purpose and ethos (ie., quality) of early childhood services.

2.3.1 Types of day care

Beyond this broad concern with overall child outcomes and quality, there are studies of individual types of day care, such as childminding (Jackson and Jackson, 1979; Mayall

and Petrie, 1977; Bryant *et al.*, 1980; Ferri, 1992) and playgroups (Finch, 1983; Statham *et al.*, 1990; Brophy *et al.*, 1992), and of public day nurseries (Van der Eyken, 1984). Ferri *et al.* (1981) examined the emergence of combined centres. These centres aimed to eliminate the care/education divide in early years by employing teachers and care staff within one building and offer the whole range of early childhood services in an integrated way. There is also a descriptive study of multi-agency early years centres by Makins (1997). These employ various health, education and care staff designed to meet a variety of needs within one centre.

Studies of registered, independent, day nurseries are scarce. Vernon and Smith (1994) surveyed a selected sample of nurseries participating in the Midland Bank's sponsorship scheme, and involved a questionnaire from 95 nursery managers along with an in-depth evaluation of 15 nurseries. Penn studied 26 private nurseries through the regulatory process, nurseries representing a range of size, types of ownership and geographical location and then further studied a subsample of ten nurseries (Penn, 1994), looking at observations of nursery care for children under two, as well as interviews with managers and staff. In addition, the Local Government Management Board has recently conducted a national postal survey of all independent day nursery staff (LGMB, 1999). This census study will be referred to extensively in Chapter Six, as it provides the most comprehensive information on staff in the rapidly expanding independent nursery sector (although its coverage was partial, as the response rate was only 41%).

Some studies have compared types of day care. A comparison of public nursery care and childminding was made by Mayall and Petrie (1983), and a study of day nurseries situated in the public and private sectors was made by Garland and White (1980). Penn (1995) compared the relationship of private day care to nursery education, based on the same subsample of ten nurseries described above. Tizard, Moss and Perry (1976) provided a useful overview of the development of all preschool services which includes playgroups, childminding and day nurseries, but it is now sorely out-of-date. Moss *et al.* (1995) surveyed childminders, playgroup leaders and independent day nursery managers and compared both the services provided and their views about the implementation of the

Children Act 1989¹.

The underlying assumptions in much day care research have been about demonstrating the 'validity' and purpose of nonmaternal care. The assumption was made that it was important to show how services compared with each other, how they might be developed and how they might be similar to or different from relative or mother-care. In this sense, even though the sociologically informed studies were less concerned with child outcomes than with care processes and methods of organisation, they emerged from a research environment largely wedded to the values and principles dominant in the maternal deprivation thesis about the overarching importance of mother-care. When considering the purpose and ethos of early childhood services, much less attention was paid, for example, to the concept of day care as a venue for childrens' own expression and articulation of their citizenship (Dahlberg *et al.*, 1999). More attention was paid, not just in Britain, but right across Europe, to the idea of care for young children as 'a response to deficits in family care' (Oberhuemer and Ulich, 1997:20).

2.3.2 Policy issues and day care

In general, the literature on day care tends to reflect the administrative and conceptual divisions which have characterised the services over time. Although (until recently) day care services were a somewhat marginal policy concern, research made a link between day care and promoting gender equality for women. Day care was perceived by some as an essential step for enabling mothers to be employed outside the home in an era when this was relatively rare when their children were under school age (e.g., Cohen and Clarke, 1986; Crompton, 1997). Studies, and, later, policy documents, examined the scope for improving womens' (or parents') employment opportunities and caring services (Cohen, 1988; DfEE, 1998a) and methods of subsidising such services (Duncan *et al.*,

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This survey was a publication from the Children Act Project on which I was employed as a member of the research team. The design of the questionnaire drew on the semi-structured schedule developed for the thesis and the results of the survey will be referred to extensively in Chapter Six.

1995). Day care has also been examined in the context of the organisation of labour in households (Brannen and Moss, 1991; Gregson and Lowe, 1994).

Further, the short and long term financial and opportunity costs of childbearing to women, including the costs to mothers of using day care over time have been investigated by Joshi and Davies (1992), Ward, Dale and Joshi (1996), Holtermann (1993) and Finlayson, Ford and Marsh (1996). These studies focused much less on children than the 'outcomes' literature and more on mothers' employment and the associated costs (to mothers/parents) of using or not using day care. Day care was seen as a vehicle for alternative-to-relatives care and for supporting embryonic changes in employment patterns among women. As pointed out in 1.3, ways to promote day care became a salient policy issue only in the mid-1990s as mothers' employment rose fastest among middle-class, two-earner families with preschool aged children (Holtermann et al., 1998).

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Some publications have examined the contemporary relations between day care and public policy and the coordination of early childhood services (e.g., Pugh, 1996). The relationship between day care services and the local authority was the focus of a study of the implementation of the Children Act (Bull *et al.*, 1994a; Candappa, 1997)². Cameron and Statham (1997) discussed the specific role of day care services in looking after children for whom there are welfare concerns and whose places in day care are sponsored by SSDs. Statham, Dillon and Moss (1999) examined how the use and potential use of sponsored places interacts with the policy initiatives to emerge from the post 1997 Labour Government. Over thirty policy initiatives were counted by mid-1998, emanating from a range of departments and quasi-governmental bodies (*ibid.*). A new found interest in quantity, however, does not necessarily make for cohesive policy. Moss (1999) assessed the current policy situation as fluctuating in purpose between promoting early education (part-time, for four and, later, for three year olds) and promoting care for working parents, with an opportunity missed to focus on who the services are for and why they are provided. Sponsored day care has overlapping concerns with the thesis and

these latter studies will be referred to in later chapters.

2.3.2.1 Regulation

Guidance for day care providers under the Children Act 1989 has been provided, and this covers such issues as the standards expected in day care, registration and inspection procedures (DoH, 1991a, *The Children Act 1989: Guidance and regulations; Volume Two*, hereafter referred to as *Guidance*). The issue of the law and the regulation of day care has been investigated by Elfer and Beasley (1991), Elfer and Beasley (1997), and Bull (1997). The regulation of services and its enforcement provides an important indicator of 'standards' in day care. The ease or difficulty of using the law, either directly, or through the use of local authority officers, to uphold standards underpinned the studies of regulation and enforcement. The research drew attention to the variability in approaches to both the regulation of day care across and within local authority areas (Bull, 1997), and the use of the law to uphold standards (Elfer and Beasley, 1997).

In part, the variability, which in turn both led to, and stemmed from, conflicting definitions and interests, demonstrated in these latter studies reflects a lack of consensus about the purpose and ethos of day care. With no national debate about what constitutes good care and even some doubt about the validity of non-parental/maternal care services, there is no consensus about where 'standards' should be set. One question to emerge from the debate about standards combined with the normative expectation that mothers care for young children at home, is whether day care services should replicate mother-care and resemble a domestic type environment, or whether day care has a different, distinctive, role and standards should be used to push day care towards this. Obviously, deciding what this role is, or should be, is a major first step, from which much else will follow (Dahlberg *et al.*, 1999).

2.3.2.2 Training and staffing

One of the specific issues pertinent to the professionalisation (or the move from informal

to formal arrangements for nonmaternal care) of day care is that of training and staffing in services. This is discussed further in Chapter Six. Briefly, research has made three points critical of the existing situation in Britain. To take training first, the level at which training for day care work is set is comparatively low. The main course is a post-16, two year course focusing on physical care in infancy (the Diploma or NNEB as it was previously known). This compares with the Danish training system for early childhood workers which is incorporated into a three year post-18 course providing an academic and vocational training for work in a variety of care settings (Moss and Penn, 1996). Second, the coverage of qualified workers is low, particularly among childminders, as discussed in Chapter Six (Moss *et al.*, 1995). A third point about training for work in day care is that while there is one main course, many others exist, with no commonly agreed skill and knowledge components or consensus about transferability between local authorities and/or accrediting bodies (Suffolk County Council, 1998).

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The staffing of day care is under researched in Britain (Cameron, 1997a). Collating available information from Britain and other English speaking countries and compared with Danish day care workers, it is thought that British workers are characterised by being largely female, relatively young, with few benefits of regular employment such as employer maternity pay or pension rights. A high turnover of staff is also suspected (*ibid.*). Again, the particular situation for independent day care providers is investigated in more detail in Chapter Six.

The variability of training routes and the lack of commonly available conditions of employment reflects a lack of progress or consensus in identifying the core skills and values in the work and so what training and staffing should consist of. Further discussion of training and the allied issues of experience and the contribution of motherhood both to the skills base and the status of day care work can be found in Chapter Six. However, to conclude this section, it is worth noting that there has been no specific examination of training or exploration of the views or experiences of workers in the field of day care and child protection.

2.3.2.3 Analysis of policy initiatives and cross-national studies

Finally, there have been some policy analyses of day care such as that by Randall (1995) who discussed public policies relevant to day care provision and sought to shed light on the reasons for the persistent gap between the demand for day care among mothers/parents and the supply of day care places, and the lack of state involvement in the provision of day care. Analysis of policy was also conducted by Edwards (1993) who looked at the operation of the government funded New Under Fives Initiative, which aimed to deliver affordable day care to lone mothers.

On the whole, the literature on day care tends to address services as particular categories of different service types, which offer services to different constituencies. Few studies offer an overview of early childhood services and seek to tease out whether these services offer different opportunities for children. Exceptions to this are Moss and Penn (1996) which examined the potential for transforming nursery education in the UK by involving day care services. From a cross-national perspective, Moss and Pence (1994) examined issues of quality across a broad range of early childhood services. Penn (1997) provided a further cross-national perspective in her observation study comparing public nurseries in Italy, Spain and the UK. These studies suggest that values and cultural contexts play a considerable role in forming the purpose and ethos of early childhood services. While it is important to recognise the concept of diversity, these studies suggest that diversity is not an appropriate end in itself, and meeting diverse needs among children requires attention to the structural context of day care services, including: the national and local policy attention given to the services; the level of qualification and staffing of services; the accessibility and availability of services; and the quality of curriculum on offer in the services.

2.4 Literature examining the interface of child protection and day care

The literature that brings together child protection/abuse and day care settings is of three main types and addresses three distinct dimensions of the interface of the two fields. The

three main types of literature are procedural and advice guides for practitioners; conference and inquiry reports; and academic studies. My aim in this section is to explore published literature which focuses on three dimensions of relevance to day care settings: the issue of child abuse taking place in day care settings; the issue of procedures for workers in day care and parallel professions in identifying and reporting abuse; and the issue of the behaviour and wellbeing of children who attend different types of day care services.

2.4.1 Child abuse in day care settings

The literature in the UK about child abuse taking place in early childhood services is sparse: more research has been conducted in the USA. The British literature that exists divides into three types: inquiry reports into particular events; policy, government guidance and reports of practitioner conferences; and research studies. There are two reports of public inquiries into abuse in nursery classes (Hunt, 1994) and in day nurseries (Barker *et al.*, 1998). There are also area child protection reports into child deaths while being cared for by childminders (e.g., Lane, 1996). These latter reports document difficulties with the caring on offer from particular people who become childminders and with the implementation of regulations on the standard of care.

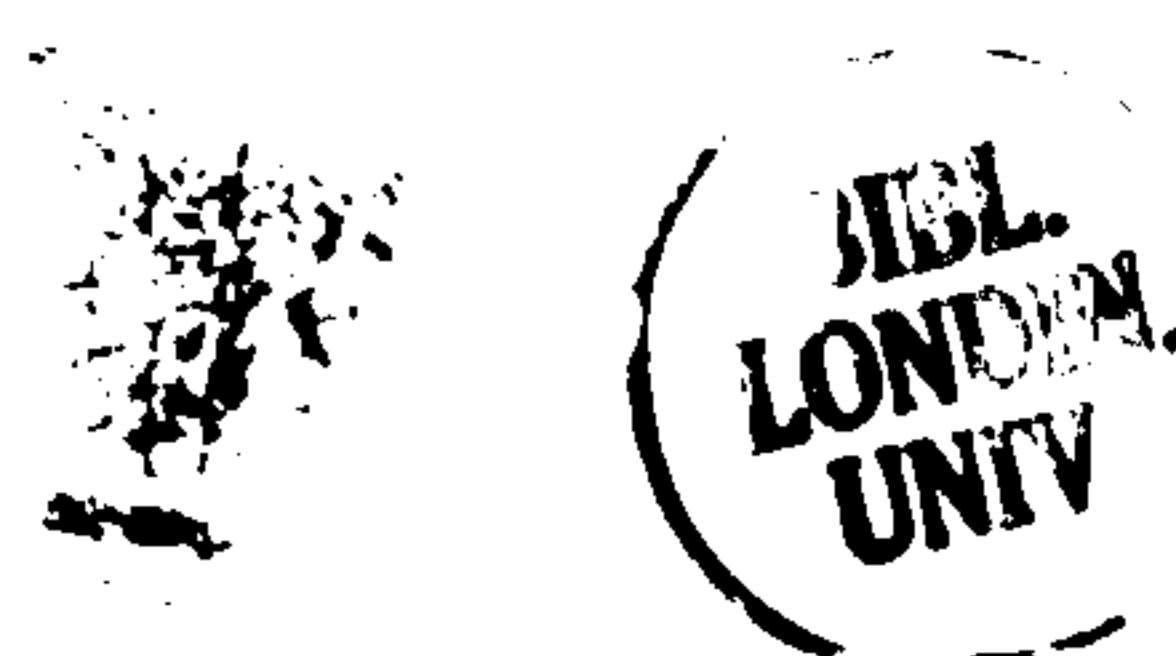
Both the Hunt Report (1994) and the Barker Report (1998) documented sexual abuse to large numbers of young children while in group settings and without drawing the attention of other members of staff. Because of the scale of the abuse, and because it went undetected, the two cases caused widespread alarm about the potential and undiscovered problem of sexual abuse in early childhood services.

Hunt reported on the case of Jason Dabbs, a nursery nurse student who abused upwards of 60 children while on placement in nursery classes (Hunt, 1994). Dabbs pleaded guilty so no judicial case was tried. Barker reported on the case of Lillie and Reed (a man and a woman), who were workers in public day nurseries (Barker *et al.*, 1998). Although the latters' case was not tried through the courts as problems with the children's evidence

rendered it inadmissible (see Cameron *et al.*, 1999, Chapter Seven for more details), the inquiry concluded that the pair 'sexually, physically and emotionally' abused 'many children' and were probably part of a paedophile ring, 'procuring children for pornographic purposes as well as their own motivations' (Barker *et al.*, 1998: 19.1). The main concern of both inquiry reports was to document events and practice so as to try to establish ways of working at the local authority level to prevent abusive incidents or methods recurring. However, there is no national evidence of a high incidence or risk of sexual abuse occurring in British day care centres (see Cameron *et al.*, 1999, Chapter Seven).

The reports of practitioner conferences held by the NSPCC and National Childrens' Bureau (NCB) in the light of the Dabbs inquiry (NSPCC, 1995; Pugh and Hollows, 1994) documented and discussed practice difficulties arising from the possibility of staff being the perpetrators of child abuse while employed in day care settings. The latter conference in particular discussed strategies for protection (Pugh and Hollows, 1994). Government guidance has incorporated procedures for addressing abuse in institutions such as residential settings into *Working Together* (Home Office *et al.*, 1991), but the routine use of policies and training materials to address abuse in early childhood settings is only just becoming available (Cameron, forthcoming).

Research studies from the USA suggest that although there have been a few cases that have attracted wide publicity (such as the McMartin Preschool case in 1984), it is difficult to conclude that sexual abuse is more likely in early childhood services than in childrens' own homes. A national study was conducted by Finkelhor *et al.* (1988) in response to increased concern about the safety of children in day care centres following the McMartin case. This study assessed the incidence and risk of child sexual abuse taking place in group and family day care through a survey of all substantiated cases of such abuse held by child protection agencies across the United States. The authors concluded that 'the risk of abuse to a child in day care cannot be termed 'higher' than the risk that a child faces in his or her own family', and there is no special vulnerability of children to sexual abuse in day care (Finkelhor *et al.*, 1988:23-4). Through examining the



reports of cases across the USA, the study identified characteristics of alleged perpetrators and of the day care environment, with the overall aim of identifying 'vulnerabilities that might be better protected' (ibid., 1988:11) in day care settings.

Waterman and Ben-Meir (1993) reviewed the literature examining the effects on children of sexual abuse in day care settings. Kelley, Brant and Waterman (1993) also reviewed research findings, this time on the types of abuse known to occur in day care. Key characteristics of sexual abuse in day care settings were found to be that women were alleged to have been disproportionately responsible for incidents of abuse (there are many more women than men members of staff), and that multiple perpetrators, often leading to cases of multiple victims, were disproportionately involved. Cases involving multiple victims were investigated by Bybee and Mowbray (1993a), who also examined the response of a local community to one case of sexual abuse in day care (Bybee and Mowbray, 1993b). Kelley (1994) and Margolin (1993) set out the particular features of sexual abuse in day care settings. On the basis of an examination of case records on sexual abuse in non-family care settings in one US State, Margolin found no cases in day care centres, but some incidents of sexual abuse in care provided in domestic settings. This was usually carried out by males who were often themselves adolescent, and where the care was arranged on an informal or *ad hoc* basis. In other words, it was not the prescribed caregiver who abused the child/ren, but someone who had access to the children through the care situation.

Pringle's (1995; 1998) critique of abuse occurring in British welfare services overall, in which he included day care, speculated that given the US literature, and given the high level of child sexual abuse among the general population, it is likely that children will continue to be abused in day care settings undetected. However, this remains to be proven in Britain, as, beyond the two well-publicised cases referred to above, little is known about abuse in British day care.

More is known about child abuse in residential homes for children (e.g., Kirkwood, (1993) reported on the allegations of abuse by Beck in Leicestershire childrens' homes).

Abuse in residential settings is characterised by taking place over extended periods of time, often going undetected by staff and/or reports by children disbelieved. Abuse also often involved multiple perpetrators. Detection of cases did not occur until the children concerned were adults and their reports were perhaps more readily believed by the relevant authorities. The relatively younger age of children in early childhood services may inhibit this process of reflective reporting, although the Barker Report noted that the abuse came to light initially through childrens' reports to parents, and Bybee and Mowbray (1993b:270) note that young children can serve as accurate witnesses to their own experience. Enabling childrens' voices to be heard would appear to be a key factor in protecting children from abuse by staff in institutions (see Cameron *et al.*, 1999, Chapter Seven).

The extent to which staff who work in day care feel anxious about the possibility of accusations of abuse being levelled at them has been little addressed, although Cameron *et al.* (1999) suggest that gender is a factor. In a small study of men and women childcare centre workers, they found that no women workers reported feeling anxious or concerned about being accused of abusing children. However, about half of the men tended to practise a 'personal code of caution' so that they would not be working unsupervised with single or small groups of children, and this was particularly the case during toileting routines. In two cases where external investigations had taken place into minor allegations of abuse, men workers reported feeling under particular scrutiny because they were men and working in a largely all-female environment where, normatively, care was carried out by women.

2.4.2 Identifying and reporting abuse

Dingwall *et al.* (1983) established that identifying child abuse is difficult for child welfare professionals in Britain. In the USA, where legislation is in place to require those working with children who suspect abuse to report such cases, welfare professionals' failures to report have been noted (Reiniger, Robison and McHugh, 1995). Examining the failure to report, Finkelhor and Zellman (1991) argued that the largest group of

professionals who fail to report are those termed 'discretionary reporters'. These were people who did not lack knowledge or experience, but who held negative views of the capabilities of the child protection services and the staff to whom they are required to report. They believed their reporting would have negative outcomes for the children concerned.

Difficulties in reporting child abuse have also been noted among those who work with children but are not child welfare experts, such as day care workers. Wurtele and Schmitt (1992) compared the knowledge about reporting suspected child sexual abuse held by day care workers in the US with that of so-called 'experts', or workers from institutions involved in receiving child abuse reports. They found that, despite training in their reporting responsibilities, day care workers were comparatively 'deficient in their knowledge regarding reporting procedures and their protection under the law' (Wurtele and Schmitt, 1992:388). Day care workers knew they had to report cases of suspected abuse, but were unsure of the 'specific reporting procedures' (*ibid.*), and were unaware of the provision in law for the legal protection of those who report such cases.

In Sweden, a country with mandatory reporting laws, Sundell (1997) reported that child care personnel working in nursery schools and family day care centres also failed to report cases of suspected child abuse and neglect. The most common reasons for failure to report were: uncertainty that the case was genuine; delay pending the outcome of the day care centre's own first attempts at resolving the problem; and decisions not to report due to previous bad experiences of reporting cases.

Family centre staff may be considered analagous to those working in day care settings as many of their staff are NNEB trained. The LGMB's (1999) analysis of social services workforce analysis data found that the most common qualifications among family centre staff were nursery nurse qualifications (40% held the NNEB or Diploma in Nursery Nursing) followed by social work qualifications (19%). However, 34% of staff did not hold any relevant qualification (LGMB, 1999: Annex B). However, studies of family centres do not give much detail about the reporting behaviour of staff, as I report in 6.1.3.

I examined Hallett's (1995) study of interagency coordination for evidence of family centre or day care providers' reporting behaviour. No mention was found (the study was aimed at primary age children, which may account for the lack of involvement of these staff groups). Among three studies of family centres consulted (Canaan, 1992; Phelan, 1983; Smith, 1996) no details were given on the reporting behaviour of staff in child protection cases.

While research studies indicate that identifying and reporting abuse is difficult, policy and guidance for practitioners suggest that the matter is relatively unproblematic. For example, David (1993) discussed child protection policy and procedure for early years teachers. The focus was on procedural methods for identifying and helping children, and for multidisciplinary working, with parents, teachers and the local authority. Practice guides have also been developed for early years workers in the field of child protection by voluntary sector organizations (Stone, 1993; NSPCC, 1986). These emphasised the importance of noting down and communicating anxieties about children's health and welfare to appropriate agencies but did not problematise the act of doing so. Similarly, the Home Office, together with the Department of Health issued guidance to day care providers within the main child protection policy document, *Working Together*, but again this does not problematise the issues of identification, reporting and monitoring abuse. Latterly, a thorough and comprehensive guide to child protection and early years work was produced by Lindon (1997), including such issues as recognising specific forms of abuse and the possibility of day care workers abusing children in centres. This is aimed at improving practice according to the requirements of *Working Together*, not exploring the assumptions behind the policy and practice.

To conclude this section, a survey of 96 English local authorities on the subject of child protection policies revealed that nearly all were concerned, following *Working Together*, to identify the procedures staff should adhere to in the event of suspicions about a child's health or welfare. However, very few local authorities specified action to be taken in the event of suspicions about workers abusing children (Cameron *et al.*, 1999, Chapter Seven). Even on the former matter of reporting signs and symptoms of child abuse, a

recent report on the delivery of family support services by the Social Services Inspectorate found that, in a substantial minority (40%) of services, possible indicators of child abuse and neglect which justified further enquiries or assessment were not being adequately recognised or evaluated (SSI, 1999:3). This would suggest that despite attention to policy documents, there is some difficulty, in practice, in identifying and reporting child abuse among family support workers. The SSI report specifically mentioned the practice of independent sector workers as requiring attention in this area. This finding is of particular relevance to the thesis.

2.4.3 Reporting child abuse in parallel professions

There have been some studies of the reporting behaviour of professionals who work with children, but whose primary role is not with matters pertaining directly to child abuse, such as teachers, health visitors and midwives. To begin with teachers, Abrahams, Casey and Daro (1992) investigated the knowledge, attitudes and beliefs about child abuse among US teachers. They report that many teachers do not always report cases of suspected child abuse; and the majority of teachers receive only minimal training in the identification of abuse. Similarly in Canada, Tite (1993) reported that teachers tend to prefer to deal with suspected cases within the school rather than report them, as required formally by law.

Government guidance was issued for teachers in Britain in 1992, when the designated teacher system was introduced, and updated in 1995 (DfE, Circular 10/95). This rests on the principle that a senior member of staff is 'designated as having responsibility for liaising with the local social services department and other agencies over cases of abuse. The Circular specifies that all members of a school's staff should know who the designated teacher is' (10/95:13).

Campbell and Wrigglesworth (1993) surveyed 154 teachers in one Scottish local authority and noted that 'some one third of teachers surveyed had been personally involved in the reporting or investigation of a child abuse episode' (Campbell and

Wrigglesworth, 1993:416). Difficulties in dealing with child abuse episodes were noted as lack of knowledge about the signs and symptoms of abuse, uncertainty about listening and responding to children, and lack of knowledge about the correct procedures to follow.

In a contribution to a practitioner journal debate, Braun (1991) identified dilemmas facing teachers in their response to child abuse. Her argument was based on her experience working on 'a project to develop training approaches for teachers'. She argued that preventive approaches to abuse needed to be supplemented: teachers needed training and support to help them deal with their own feelings about abuse; and that procedural information provided by local and national guidance is too limited in this respect. Teachers, she claimed, are inhibited in reporting cases of suspected abuse by uncertainty about what will happen to children subsequent to their reports, and whether such reports will be in children's best interests. These claims are supported by similar concerns expressed in evidence presented in the previous section by Sundell (1997) and by Finkelhor and Zellman (1991).

Problems with the participation of teachers in child protection and with the level of inter-professional training have been noted by Stevenson (1994). Reporting on work undertaken by Birchall and Hallett, Stevenson noted that 'teachers (..) are rarely involved in child protection and a large number of them know little about the system' (Stevenson, 1994:126). Only a fifth of teachers in Birchall and Hallett's national survey had had any post-qualification inter-professional training in responding to child abuse, compared with almost all of the social workers and health visitors (*ibid.*, p132). In a study of interagency coordination involving 48 cases of suspected child abuse among primary school aged children and 90 professionals, Hallett (1995) noted that teachers reported cases of suspected abuse more frequently than health professionals such as GPs, but considerable variation was evident between schools depending on their individual attunement to the issue (Hallett, 1995:86). Difficulties ensuring that teachers' knowledge of both child abuse and child protection procedures were noted. In particular, delivering training to large numbers of staff across many sites, and where changes in the relationship between schools and local education authorities were taking place, was identified as problematic

(Hallett, 1995:334). Again, there may be parallels between organising training for teachers and that the practicalities of ensuring training for day care providers in child abuse and protection.

Turning to health visitors and midwives, these groups have also been the subject of procedural guides about child protection matters (DoH, 1992). But among this profession there is evidence of practice difficulties with key concepts required to report cases of suspected child abuse. Appleton (1994) investigated the interpretations that health visitors give to the concept of 'vulnerability'. She noted that while health visitors clearly have a major role in identifying vulnerable families, considerable confusion existed about the definition of the term. Child protection issues were included within the concept of vulnerability by health visitors: a child whose name appeared on the Child Protection Register (CPR), and thus their status as vulnerable was officially identified, gave them less cause for concern than children occupying a 'nebulous grey area' of high, and difficult to identify, 'vulnerability'. Such confusion about identification may link to problems of reporting abuse with certainty. However, Hallett (1995) reported that health visitors' procedures for the reporting of suspected child abuse were regarded as straightforward by other professionals in the study.

In a community context in Australia, Manning and Cheers (1995) investigated child abuse notification among lay (i.e., nonprofessional) residents of a rural community on the assumption that effective response to child abuse 'requires the participation of both professional and lay people in the notification process' (Manning and Cheers, 1995:387). They found that several 'notification inhibitors' stopped residents making reports of cases of suspected abuse. The three most common factors were doubts as to whether the case was genuinely 'abuse'; concern that the child would suffer further if the abuser was known to the authorities; and concerns about the effects of interfering with the privacy of the family.

The literature on the 'reporting behaviours' of child welfare professionals in a parallel position to independent day care providers suggests that the following factors commonly

inhibit reporting of cases of suspected child maltreatment. First, uncertainty about whether the behaviour or health indicators they observed constitute a genuine case of maltreatment; second, concern about the possible outcome for the child of reporting a case; third, concern about the competence levels of child protection agencies to whom they would report cases; fourth, a preference for dealing with cases within the profession or community; and, finally, the extent to which individual institutions give the issue priority and as a consequence have developed procedures and working practices. This exploration of the literature indicates some themes which are common to non-welfare specialist services and will be explored in more depth in the analysis of providers' views and experiences (Chapter Seven).

2.4.4 Behaviour (problems) of children attending day care services

The third dimension of concern at the interface of child protection and day care examined in the literature is the issue of evidence concerning childrens' behaviour and wellbeing in day care services. This confirms the point made in 1.4.3, that different child populations attend different kinds of services. Van der Eyken (1984) noted that changes in admission policies meant that a 'high concentration' of the children cared for in public nurseries had physical or behavioural problems and/or came from homes with financial or housing difficulties (Van der Eyken, 1984:60). McGuire and Richman (1986) examined the prevalence of child behavioural problems among 637 children attending three types of preschool setting: nursery classes and schools, playgroups and public day nurseries. They found that 'many more children had significant behaviour problems in the day nurseries than in either schools or playgroups' (McGuire and Richman, 1986:461). By contrast, 'there were few differences between children in school nurseries and playgroups, though the latter group was described as more attention seeking and emotional' (ibid.,462). In all, 'children in day nurseries had four times as many behavioural difficulties as those in nursery schools, and ten times as many as those in playgroups' (ibid., 467).

The authors stressed that the childrens' difficulties preceded their admission to day care

centres, and reflected changes in admissions policies noted by Ven der Eyken. The authors also examined the continuance of problems between home and school in nursery classes and public day nurseries which suggested that for those children attending day nurseries, problems were both more frequent and persistent (for the 20 month period of the study). McGuire and Richman suggested that the structural factors providing a background to the day nursery childrens' difficulties were themselves persistent over time. Furthermore, potential solutions to children's problems, such as training in parental management skills, were rarely addressed by the day nurseries visited (McGuire and Richman, 1987).

While the presence and extent of behaviour and other difficulties among children is not the primary focus of this particular study, the literature confirms that different kinds of child clientele attend different kinds of early childhood services. In particular, public day nurseries largely provide a service for a specific group of children with a high level of difficulties, whereas evidence to date indicates that other early childhood services see such difficulties more rarely and so offer a more general service.

2.5. Gaps in the literature of relevance to the thesis

When considering a study of the interface of child protection and day care, what is striking about the literatures discussed above is that remarkably little attention has been paid to the experiences of day care providers themselves. This is particularly the case in relation to specific aspects of social policy pertaining to their practice, such as regulation in day care. The exception is Brophy *et al.* (1992) which examined playgroup workers' views of their conditions of service. Moss *et al.* (1995) surveyed independent day care providers, and included some information on such issues as perceptions of regulation, providing for children in need, equal opportunities and training available under the new legislation, but the respondents in the group care settings were managers and leaders, not staff. This study was further limited in its scope to explore dilemmas in practice in any depth by its quantitative methodology, and because it was administered by a market research organisation (Moss *et al.*, 1995).

This brief overview of literature in the two traditions of child protection and day care indicates that overall, the two literatures rarely overlap as they have had different concerns. While day care research has been primarily concerned with issues of quality and comparison with mother-care on the one hand, and issues around the relationship between care services and maternal employment on the other, child protection research has been largely focused on the 'primary actors' of social workers, parents and children and the processes within the formal system of protection. There is little literature that brings together issues and concerns arising from child protection and the particular settings where preschool age children are cared for, apart from the practice guides (David, 1993; Lindon, 1997) and conference papers referred to above (Pugh and Hollows, 1994; NSPCC, 1995). In particular, there is an absence of literature that problematises questions of perceptions, procedures and experiences of day care providers working within the child protection system. The aim of the next section is to outline three specific gaps in the literature of relevance to the thesis.

2.5.1 Providers' social relations with mothers

The first gap in the literature which is of relevance to this thesis is that addressing the social relations between day care providers and the parents, or, rather, mothers of children cared for in care services. As day care providers are nearly always women, and nearly always mothers, it is the relationship between mothering and caring work, and within this, involvement in surveillance practices on behalf of the welfare state, such as child protection, that is of interest. This thesis will develop the theme of social relations between mothers and day care providers, and try to specify the meanings of care employed in the care-as-work setting, in relation to the meaning of care to parents. Do similarities and/or differences exist between care in different settings? What issues arise when the two caring contexts confront a third dimension, that of discussing possible criticisms of parenting implied by identifying and reporting suspected child abuse?

There is an extensive literature on motherhood in general, and motherhood within the welfare state in particular which will not be reviewed here (e.g., Glenn *et al.*, 1994).

Much has also been written about mothers' particular responsibility for children (e.g., Brannen and Moss, 1988; Gregson and Lowe, 1994; Clarke and Popay, 1998). There is a well developed literature on motherhood and its relationship to informal caring work within the welfare state (e.g., Pascal, 1997; Land, 1991; Leira, 1992) and in particular caring for elder kin (Croft, 1986; Finch and Groves, 1983; Finch, 1984). The concept of family obligations in general has also been examined by Finch (1989) and by Finch and Mason (1993). In these latter studies women played a particularly prominent role in family negotiations around helping kin with practical, financial and emotional support. Finch and Mason (1993) found that normative societal rules about how families behave towards each other played a structuring role in the extensive individual negotiations that took place, but that kinship was an unpredictable and unreliable source of support.

All this work has a bearing on the relations between day care providers and mothers. For example, it is established that women as mothers are constructed as 'ideal' or 'natural' carers of children and other family members and that responsibility for 'care' or helping work is mediated through women. In addition, it is established that there is a normative societal expectation of mothers to be carers as well as empirical findings that this is the case. However, the finding of *obligation* as a significant factor structuring informal care and help is arguably unique to kinship networks and may possibly be unlikely to be felt so strongly within day care provider-mother relations, and where a financial transaction and legally prescribed regulations also structure the relationship.

Furthermore, as will be discussed in Chapter Six, there is a well-developed literature on the principle of partnership between parents and preschool workers (Smith, 1980; De'Ath and Pugh, 1985/86; Braun, 1992) and the actual practices of, and views about, parental involvement (Brophy, 1994; Vernon and Smith, 1994; Edwards, 1989). These studies provide a useful context for the thesis as they explore the potential and limits of a longstanding policy objective of parental involvement in early childhood services. There is also some work on contradictions in mothering and childminding (Bryant *et al.*, 1980; Nelson, 1994), and the potential tensions between mothers/parental involvement and playgroup leaders (Brophy *et al.*, 1992) and which demonstrates the close and sometimes

difficult relations between the two roles. The specific area I wish to develop builds on and extends this idea of problematising the relations between providers and mothers and examines the elements of their relationship in particular structural contexts. The day care literature has not previously examined how providers and mothers establish, negotiate, and maintain their social relations, given the formers' specific structural context and particularly when the provider role is invested with both providing a service for parents and responding to wider societal and procedural expectations to identify and report child abuse.

2.5.2 Training

A second area of interest here is the issue of training and day care services. There is an assumption underlying *Working Together* that training will enable more effective recognition of child abuse and more confident reporting of abuse to SSDs. Such training is also recommended for other professionals, such as teachers (Campbell and Wrigglesworth, 1995). A theme of the thesis is to question the relationship between training in child protection and effective, confident identification and reporting of abuse.

So far as general qualification and training is concerned, the Children Act 1989 and Guidance introduced a clearer emphasis on training: Guidance recommended that at least half the staff in group care (day nurseries and playgroups) should be qualified (DoH, 1991a:6.41, 6.42). This opened up a debate about the relative balance of training and experience, and a subsequent Circular suggested that 'successful past experience of providing day care should be given due weight, even where no formal qualification has been obtained' (DoH, 1993). In part, the Circular recognised that organising training courses for day care providers both within and across day care types can raise practical matters that are difficult to resolve satisfactorily, such as arranging childcare cover while providers attend courses. But, as referred to earlier, the traditionally low level and coverage of day care qualifications and training may also relate to the debate about motherhood and child care work experience. It may be that because caring for children as work is seen as 'womens' work' and because women are seen in terms of a normative

motherhood status, which is itself devalued in comparison to 'mens' work', that childcare qualifications and training are devalued or even seen as unnecessary.

Ferri's (1992) work on training as a means of developing childminding care suggested that issues such as the structure, format and ongoing commitment to training are important to its success. Brophy *et al.*, (1992) found that while most playgroup leaders were trained (to internal standards³) and wanted more ongoing training, there were severe problems in gaining access to training courses (Brophy *et al.*, 1992:84). Similarly, Moss *et al.* (1995) found that more than two thirds of the respondents wanted more training for themselves or their staff, and more than half said there were difficulties finding or attending training courses (Moss *et al.*, 1995:24). Research seems to demonstrate, therefore, that delivering training to day care providers remains problematic, alongside any problems of the perceived legitimacy of training and qualifications in childcare.

Turning to child protection training, a survey of independent day nursery staff reported that 40% of nurseries had provided 'in-house' training in child protection in the preceding six months (LGMB, 1999). In the same survey, 21% of nursery managers identified child protection as a 'significant training need', compared to 25% who identified special needs and 25% who specified training on the national early years' curricula objectives, *Desirable Learning Outcomes* (SCAA, 1996). This would seem to indicate that child protection has, at least in the recent past, become recognised as an issue relevant to independent day care services, even if not of the highest priority.

There may be particular difficulties in delivering training in child protection to day care providers. For example, a high turnover of day care providers is suspected (Cameron, 1997a) and this in combination with a subject that is perhaps rarely encountered may make encouraging attendance difficult. Hallett (1995) pointed out similar difficulties in delivering training to teachers and doctors. However, if day care workers are not trained,

³Most playgroups belong to a parent organisation, the PreSchool Learning Alliance (PLA), known until 1995 as the Preschool Playgroups Association (PPA). This organisation arranges training courses for its members, known as Basic and Diploma (previously Foundation) courses. A certificate of attendance is awarded, but understanding of content is not specifically examined.

this may have implications for the degree of preparedness for the procedural aspects of child protection, such as reporting, monitoring and contributing to conferences or, potentially, court cases.

What is also not known is the relationship between training and its effect on the extent of, and degree of confidence about, reporting child abuse among day care workers. Wurtele and Schmitt (1992) have shown that in the case of US day care workers, training in matters of child protection issues does not necessarily mean an adequate knowledge base in reporting procedures and law. My study of practice will attempt to shed light on factors in the relationship between training and reporting child abuse.

2.5.3 The impact on day care providers of child protection investigations

A third gap in the current research literature pertinent to this study (which is also absent in the child abuse literature), is an examination of the impact on day care providers of actual involvement in cases of child abuse and specifically, of child protection investigations. There is a survey of threats of violence directed against child protection workers conducted in the US (Horejsi *et al.*, 1994). In the UK, Hill (1990) noted the demoralizing impact of child abuse inquiries on staff in welfare services, but there does not appear to be a systematic exploration from the workers' perspective of the impact of child protection investigations on day care providers' work with children.

Yet other studies of welfare professionals indicate that the emotional impact on day care providers of involvement in the child protection system may significantly influence their willingness to report cases in the future (Sundell, 1997; Braun, 1991). Therefore this study will explore the views and experiences of day care providers about their involvement in child protection work, and discuss any likely repercussions for the day care service.

2.6 A Summary

In summary, the literature provides a good historical and policy-focused context for the present study. An underpinning theme of the literature in day care is that of the normative expectations of motherhood, and this will continue to be picked up through the thesis. The studies addressing how child abuse cases are reported suggests that workers in a variety of disciplines lack confidence in reporting, partly because of their own skills base and partly because of a fear of losing control over the direction of the case. There would appear to be widespread unease about how child protection services work and whether they are effective among those who work in allied professions.

However, there do not appear to be any studies which combine the empirical and policy analysis approach at the precise interface of child protection and independent day care services with which I am concerned, or which employ an analysis of day care providers' perspectives on practice as a primary data source. The literature covered in this chapter does not provide a theoretical framework for the thesis: this is addressed in Chapter Three. Nor does it comprehensively cover literature relevant to the themes of protection and prevention which are essential to understanding policy in this field. These literatures are explored in Chapters Five and Six and where relevant to historical and contemporary policy analyses. Some literatures introduced in this review will be expanded upon later. For example, the literature on caring will be given more space in Chapter Three in order to develop a theoretical framework for the concept of care. Rather, the review outlined here sought to consider the broad spectrum of studies relevant to the interface of child protection and day care.

CHAPTER THREE

A THEORETICAL FRAMEWORK

3.1 What the chapter will do

The research questions which the thesis examines concern the issues and dilemmas arising from the application of policy from one field to another, and explore the historical and evolutionary context of policy and its implementation. In one sense, the issue is about how the state regulates aspects of day care through the use of a particular policy, that of child protection. While the next chapter describes the methodology employed to examine policy and practice, my task here is to develop a theoretical framework within which to analyse the policy analysis and empirical data. The framework utilises a set of concepts that are developed from considering two theoretical questions. The first question is about how to understand the power and scope of policy, and in particular child protection policy; the second is about how to understand the concept of care and its relationship to professional practice and in mothers' care of young children. The two types of question are related in that both address the issue of how 'care' is conducted in the public arena: the first through the use of social policies; the second through the practice of those employed to care for young children.

3.2 Conceptualising child protection policy

3.2.1 Child protection policy as written policy

A number of government documents cover the aims and procedures of a system of management of child abuse within local authorities and related child health and welfare agencies. These documents (e.g., DHSS, 1974a; DHSS, 1988; Home Office et al., 1991) stipulate what is expected of mandated authorities by central government departments. Guidance documents for local implementation are the chief means by which attempts are made to achieve a consistent approach to the 'problem' of child abuse, both across local authorities and across professional disciplines. The implementation of policy by

practitioners in local authority social services departments and elsewhere contribute to the definition, or shape, of the policy by interpreting it in the light of their professional expertise and local conditions. In addition, court practices (and the Appeal court in particular), in upholding, or otherwise, the decisions of practitioners in child abuse cases contribute to the interpretation and re-interpretation of the legal policy by practitioners and ultimately by policy makers. In Chapter One (1.4.1) I outlined debates that extend the remit of child protection beyond investigating and managing cases of suspected child abuse to the provision of family support services. Both are then seen (by the DoH as policy makers) as a part of protective strategies, rather than as two parallel and separate policy aims (e.g., Tunstill and Atherton, 1996). However, the focus of enquiry here is the issue of how we understand the scope and significance of the written policy detailed *in Working Together*.

3.2.2 Policy as institutionalized control

Child protection is an example of a social policy according to the definition offered by Townsend (1975). He argued that a social policy involves the 'institutionalized control of services, agencies and organizations to maintain or change social structure and values' (1975:6). It has national applicability, it has the advantage of institutional authority to exert control, it incorporates values which may be stated or unstated, and has the capacity to instill change in social circumstances. Townsend suggests that, embedded within the practice of social policies, it is possible to identify implicit and explicit objectives that frame the shape or direction of the policy. Social policy involves the exercise of power and control through the practice of various social institutions (such as law courts, and local authority departments and officers).

But the question arises how far can this power and control can be relied upon to achieve the policy implementation objectives of policy makers practice? Within Townsend's definition, although the responses of individuals and recipient organisations are acknowledged as contributory, the emphasis lies in the 'institutionalized (or state sanctioned) control' that the policy provides. According to this view, power and control

within policies tend to be viewed as concentrated within state institutions, that power is exerted in linear fashion upon organisations and individuals to 'instil change' or, indeed, promote the status quo. This top down, linear approach accounts for the transmission of 'normative' values, and suggests a consensus view of a policy. Power and control are 'felt' by individuals as an imposition, through the enactment of social policies. Clearly, from this perspective, for policy implementation to be smooth and effective, this supposes that the dominant institutions which have and exert power know what the problem 'is', and have won a degree of consensus about what can be done to address it.

Although the child protection policy document *Working Together* gives the impression of certainty about its policy 'project', this document was published at a time of deep uncertainty about the scope and extent of child abuse - the 'problem' the policy sought to address. By using the example of the Cleveland affair in 1987, it is possible to identify how public policy attempted to address that deep uncertainty, which revealed a lack of widespread consensus about the policy problem. The role of 'policy recipients' in this example suggests a need to extend our understanding of power and control within public policy beyond the definition offered by Townsend.

The Cleveland affair, where an unusually large number of children were diagnosed as having been sexually abused in one community was rendered a crisis partly because of the scale of the episode, and partly because welfare professionals (doctors and social workers) were accused by parents (among others, e.g., the police) of seeing abuse where it did not 'exist', whereas the medical and social work professionals concerned argued they had properly identified it according to diagnostic procedures and policies (Butler-Sloss 1988). The result of this conflict of views over whether the abuse existed was, amongst other things, a debate about the assertion of parents' rights *vis a vis* the authority of the state, particularly the realm of authority of welfare professionals, to identify and report 'abuse' and take measures through the courts to 'protect' children. It would seem that the power that policy can exert is not solely held by dominant institutions, but also can be acquired by interested parties in response to the implementation of policies.

3.2.3 Power in policy as a complex phenomenon

Power and control in child protection policy, if one includes interpretation and implementation within the definition of 'policy', are clearly not only exercised by those in positions of 'power' (i.e., the welfare professionals, policy makers and the courts). It can also be found, as the case of Cleveland demonstrates, in the 'contested' nature of child 'abuse' itself, and potentially in the hands of individuals (such as the local MP, Stuart Bell, see Campbell, 1988), parents (or primarily fathers in this case, see Campbell, 1988), and voluntary sector campaigns such as the Family Rights Group. It is important, however, both to acknowledge that these groups are only relatively powerful (compared to women and children, for example) and not to overstate their 'power'. It is arguably the case that parents also gained a voice in the Cleveland affair because their complaints found some sympathy in central government. A key theme of the period was that of promoting self-reliance and reducing what was perceived as 'dependence' on state institutions (Pilcher and Wagg, 1996). Nevertheless, the example of Cleveland suggests that an analysis of power and control within child abuse and child protection policy may benefit from moving beyond an idea of power in policy as a linear, top down, straightforward progression, to a more complex, interactive and multi-faceted phenomenon.

3.2.4. Governmentality

Foucault's (1979:20) analysis of the complex nature and working of power argued that power is exercised both over and through individuals and their actions as well as through institutions and policies. Power has the capacity to convey normative behaviour and to constrain people but does not necessarily coerce individuals. Rather it works to shape norms and train individuals. Power is conveyed not just through the actions of a sovereign state, but also through this normalizing or what Foucault referred to as 'disciplinary power' (Dreyfus and Rabinow, 1982). Foucault argued that disciplinary power achieved its regulatory effect on the lives of individuals and institutions through both the appropriation of bodies of knowledge into areas of expertise which are then

employed by governments, and by specific technologies of government, or 'governmentality'.

Parton (1994) applied Foucault's ideas about governmentality, or how power works through institutions and policies, to social welfare policies. He argued that the concept of governmentality refers to 'a range of mechanisms whereby different groups and forms of knowledge regulate, and thereby construct and constitute, the lives of individuals, families and the community' (Parton, 1994:12). Chief among the mechanisms employed is the articulation of knowledge or 'expertise' through the classificatory activity of bureaucratic government. This refers to the methods employed by government to render information available and calculable, such as national surveys of habits and lifestyles, and standardisation of systems for training (ibid., 1994:13). These 'technologies' provide the administrative environment within which policy can be rendered explicable, expected, and so made to appear 'normal', from which interventions can be designed and evaluated (Parton, 1991:10).

The concept of governmentality, argued Parton, has implications for the analysis of policy. Policy has to be analyzed not just as a study of different agencies and their programmes and objectives (Parton, 1994:12) so that due consideration is given to matters such as the intentions, costs and consequences of social change, but also the unintended consequences, the uses of bodies of knowledge, methods deployed to discuss such bodies of knowledge and any changes therein over time. The analysis of policy, then, incorporates the idea of the exercise of power through normative assumptions and social action as well as formal policy implementation programmes.

An example of governmentality in the field of day care is the regulation of it by legislation through a system of registration and inspection. Part X of the Children Act 1989 sets out the means by which local regulatory bodies effect the standardisation of day care services. The nationwide inspectorate is guided by government amplification and specification of the legislation (DoH, 1991a). However, the work of individual regulatory officers involves not just straightforward implementation but also interpretation of

specified standards (Bull, 1997). Examples of how regulation reworks and reconstitutes knowledge in the lives of day care providers can be seen, for example, in the meaning given to, and the interpretation of, a standard entitled 'ability to provide warm and consistent care' (DoH, 1991a:7.32). Bull found that regulatory officers relied on their 'feelings', 'experience' and 'gut instinct' as well as, or instead of, a 'checklist' of indicators to assess a prospective day care provider. This was done in the knowledge that the imperative was to prove them unfit to care, rather than establish their 'fitness' through observing practice with children (Bull, 1997). Professional judgement of a subjective quality such as 'warmth of care' enables both a local, official interpretation of what it constitutes to arise, and enables the values and expertise of regulators to feature in the implementation of legislation.

The development of a system of regulation of day care work has relied on the appropriation of bodies of knowledge or expertise (for example, about child development and public health), and applied it, through the specification of standards in Guidance, to the field of day care. The specification of standards then enables intervention and evaluation of the work activity of day care according to these standards. The inspection officers referred to above did not stand 'outside' the knowledge basis that informed the standards of regulation, but were part of it, although their normative assumptions and their experiences of implementing the policy provided a contributory element in defining how the policy was realised in practice. The first feature of governmentality, therefore, is the elaboration of standards through state sanctioned institutions and the deployment of knowledge or expertise that together provide a regulatory or governing environment for individuals, communities and institutions.

3.2.5 A discourse of child protection

The second feature of governmentality is what Foucault referred to as discourse. Discourse refers to the ways in which the bodies of knowledge such as those referred to above are discussed and made real, the way in which accepted practice or particular claims become viewed as 'truth'. The influence of discourse on practice is such that they

can be seen as 'dominant discursive regimes' or 'regimes of truth' (Dahlberg et al., 1999:31). A dominant discourse informs, legitimates and describes practice. It has many sources and provides a common way of speaking about and viewing a subject.

Jack (1997:660-661) argued that the discourse of child protection employed in Britain is a good example of a dominant discourse that has 'achieved almost global significance' and where the boundaries of official interest have become almost limitless. A child protection discourse might be seen as encompassing the following: the written policy; the welfare 'expertise' that defines what child abuse 'is'; the systems in place to report and investigate; the process of court proceedings and the decisions taken in court with regard to cases of alleged child 'abuse'; and the activities and plans of professionals in progressing cases of child abuse. It also includes the perceptions and actions of non experts, such as parents, politicians, and campaign groups who address the issue and make known their views which are then reinterpreted and discarded or included in future reworking of the policy. Although the above components refer to the dominant discourse of child protection in Britain, presumably other discourses could exist, utilising these components to a lesser or greater extent, in this or other cultural contexts. Utilising the idea of a discourse of child protection provides a way of understanding the phenomena not just as a policy or set of policies, but also as a way of thinking about a subject that is, or is normatively assumed to be, embedded in professional practice.

3.2.6 Agency

As set out theoretically above, a multi-faceted view of power and 'policy' means distinguishing between the control of institutions such as government and the legal system, and that of agencies such as social work and day care and that of individuals and families. If power is located 'everywhere', how is it ordered and made sense of? Social theorists offer two concepts which I consider helpful in understanding the constellations of influence that constitute power. The first concept is that of 'agency' (Giddens, 1979). The term 'agency' refers to the ability of individuals to act under their own aegis, to be seen as self-directing rather than directed by institutions or governments. However, more

or less agency can be held by individuals or institutions holding state sanctioned authority. For example, the Department of Health which develops and publishes child protection policy (in collaboration with other departments), and courts of law all exercise authority by virtue of their state legitimated 'agency'. However, mothers who take children to day care (indeed those who provide day care themselves), for example, do not have statutorily-derived agency in the same way and so are relatively disempowered from making or directing or interpreting the policy in question. Their agency is distinctly limited in this context, although they may have agency within their own (e.g., domestic) spheres. Employing the concept of 'agency' helps us to understand the relative distribution of power and authority within a discourse by structuring access to resources within defined circumstances.

3.2.7 Self-Regulation

The second concept is that of 'self-regulation'. Employing the concept of self regulation allows us to see power not simply in terms of overt control, but also as internalised within the psychology of individuals (Rose, 1989). Through an investigation of the contemporary meanings of the concept of 'self' and subjectivity, Rose integrated an analysis of the development of the concerns of institutions, such as welfare agencies, with an understanding of the lives of individuals, families and children. Rose argued that professional domains of knowledge, such as medicine and social work, have developed over time from philanthropic ventures into state sanctioned institutions. The knowledge base and the institutional base of professional practice enabled their essentially ideological messages to be powerfully conveyed and passed into the 'soul' of individuals, into the very sense of self in contemporary society. In this way, norms are internalised and some agreement is reached about what 'truth' is.

I referred above to 'ideological messages': ideology can be seen as 'the development of ideas which justify the actions of the powerful' (Giddens, 1989:54). By their use among those (individuals and/or institutions) with power, ideas (and the beliefs and values on which the ideas are based), can become predominant and accepted as 'truth'. There may

also be more than one predominant ideology. For the purposes of this thesis, the concept of ideological messages is useful because it provides a visual imagery of the ideas of the powerful becoming institutionalised; they become engrained in, and shape, practice. An alternative term to ideology, also used in the thesis to describe the same process, is 'normative assumptions'.

An example of an ideological message that has been incorporated into professional day care practice is that of the 'proper' or ideal role of mothers and specifically mothers' full-time availability to children. Although in practice children have long been cared for outside the home (see Chapter 5, 6.2.1), the ideology, sometimes called an 'ideology of motherhood' (Glenn *et al.*, 1994), and relevant policy pronouncements cast day care in an problematic light. For example, the ideology was given governmental support by a Ministry of Health Circular (MoH, 1945, 221/45), which discouraged mothers of children under two from employment outside the home. Another example of how the ideological message about where children were best cared for became translated into policy and then practice was that government policy advocated childminder care over nursery care (DHSS/DES, 1976) because home based care with childminders more broadly approximated mother care. This belief about the preferred place for young childrens' care is still evident in the policies of local authorities (Dillon and Statham, 1998). The ideology of ideal, home-based, close, nurturing, motherhood became translated into the 'ideal' domain for the day care of young children. In the process, day care was constructed as an institution where compensatory mother care could take place, rather than, for example, an institution for children's active construction of the world (Dahlberg *et al.*, 1999).

A technique key to the success of self-regulation, and one relevant to the present study, is that of surveillance. Surveillance is both the direct supervision of groups of people (such as workers, or street crowds), and the development of methods of documenting the behaviour of groups of people through the keeping of records about them (Giddens, 1989:300). The latter type of surveillance is of particular interest here and is possible by the organisation of the population into public institutions such as schools and hospitals.

where their behaviour can be categorised, standardised and 'normalised' (Rose, 1989). Surveillance provides a process for identifying what is 'normal' and what is 'deviant' according to 'experts', and the effect of doing so (together with 'educational' information from experts about 'good' and 'bad' standards of behaviour and health), is to create a normative view of life to which individuals aspire. Self-regulation occurs in the process of aspiring to professionals version of 'truth', or to be 'normal' as prescribed by professionals.

Surveillance of populations can clearly be seen in the use of measuring instruments such as centile charts with young children. Centile charts provide a measure of the growth of babies and young children. They provide for a wide average or 'normal' band as well as the extremes of growth. They are used by health visitors (among other health professionals) to plot the weight gain of all babies against age at frequent intervals initially, and subsequently only if there are concerns that the infant is losing weight against their age standard. Thus the entire infant population is surveyed using a measure that has authority through its apparent objectivity and being 'beyond' individual interpretation. Weight gain is not just an inevitable process, however. It is also arguably a product of mothering, and an index of nurturance. So, the use of centile charts taps into a central role of mothering (to make children put on weight) and failure to conform to a professionally agreed rate of growth (along the individual's centile line) can cast doubt on the health of a child and by association on the performance of the mothering role. In other words, the mother can self-regulate standards and expectations; she can feel incompetent and inadequate as well as being perceived to be inadequate, through the use of a key index such as weight gain. Urwin's (1985) analysis of constructing motherhood used mothers' relations with health visitors to make a similar point: she argued that 'normalising apparatuses' operated to define developmental norms about child rearing practices.

3.3 Power-in-policy: child protection policy

The forgoing has set out some concepts that characterise how one can view the scope and

influence of child protection policy. But what are the stated aims and objectives of child protection policy? The introduction to *Working Together* sets child protection policy clearly within the framework provided by the Children Act 1989. The general aim of the policy is to provide procedures that promote inter-agency communication so as to improve management of cases of child abuse (Home Office et al., 1991: preface). Specific objectives are to integrate child protection work into the new approach to court work introduced with the Children Act (ibid. 1991:1.3), to ensure that child protection work is sensitive to the culture and background of families, and the wishes, feelings and individual needs and circumstances of the children concerned (ibid. 1991:1.5), to 'promote decisive action when necessary to protect children from abuse or neglect' (ibid. 1991:1.7), and to ensure a 'high degree of co-operation between parents and local authorities', predicated on a 'concerted approach' to inter-disciplinary and inter-agency working (ibid. 1991:1.8). A further objective of child protection work is that it must be conducted in 'a careful, measured way', so as to retain confidence in the procedures, while bearing in mind that cases of acute physical danger warrant acting with 'speed and decisiveness' (ibid. 1991:1.13). The focus, then, is on means of effective, but sensitive, protection of children in circumstances where agencies have to take action under s.47 of the Children Act 1989 and follow it through with a child protection conference.

3.3.1 Applying the concepts to child protection policy

The concepts I have outlined above can be applied to interpret the scope and purpose of the policy. The concept of governmentality can be seen in the intention to standardise responses to cases of suspected child abuse through the use of uniform procedures to follow in specified circumstances. Through the use of standardised procedures at the investigation stage, the discourse of child protection focuses on the management of investigations rather than that of supporting the family in a holistic way (Hetherington, 1996).

The concept of agency can be seen in the imperative to ensure the wishes and feelings of children and family members are heard: there is an acknowledgement of the agency of

individuals who are the subjects of child protection investigations and inquiries. Agency can also be seen in the specified requirement for local authority representatives to take speedy, decisive action in certain circumstances (i.e., when immediate protection is required). Agency can thus be unevenly distributed in favour of welfare agencies who have ready recourse to the law.

Self-regulation occurs in the promotion of norms and goals that could be considered mutual aspirations of both parents and welfare agencies. For example, the goal of attaining co-operation between relevant agencies and between agencies and parents in matters of child protection is relatively incontestable: some or all parties might reasonably want to conduct their business in a collaborative rather than adversarial manner (although some parties, such as parents, might benefit from an adversarial approach when it comes to court).

For the child protection system to 'work', there must be a consensus among all the agencies about how protection is to be achieved and what is meant by protection (Stevenson, 1994). Such a consensus represents both governmentality, or an apparatus of administration to effect implementation of policy, and self-regulation, or the common understanding and acceptance of the goals and ideas inherent in policy.

To conclude this section on how to conceptualise the scope and power of child protection policy, it is worth recalling the distinction made earlier between the discourse of child protection and the policy instrument. The policy document *Working Together* was issued as guidance under the Local Authority Social Services Act 1970, and 'as such [it] does not have the full force of statute, but should be complied with unless circumstances indicate exceptional reasons which justify a variation' (Home Office *et al.*, 1991: preface). Thus it is a policy with authoritative, but not precise legislative, force. Hallett (1995:346) pointed out how comprehensively, in the light of this policy status, the policy has been adopted by local authorities and relevant agencies.

Arguably, this comprehensive adoption has taken place because of the predominant

discourse of child protection, itself based on a growing public awareness of the scale of the problem of child abuse. While the discourse of child protection has changed over time and may undergo further changes, it has also, during the period of study, given a mandate to the child protection policy. By this I mean that the various components of the discourse outlined above in 3.2.5 broadly endorse the policy (although interested parties will reserve the right to interpret and be critical of practice and policy). Therefore, the policy instrument holds a central, but not an all-defining role, in constituting what child protection 'is'. For example, a policy shift is underway that was recommended by research, accepted by the DoH, and will lead in due course to a renewal of the policy document (see 1.4). However, an analysis which distinguishes between the discourse of child protection and the policy instruments suggests that the implementation of policy by local authorities, relevant agencies and welfare professionals will in practice incorporate the emergent policy in terms of the existing discourse (Jack, 1997). Child protection policy, in other words, may have a powerful and largely consensual mandate, but its practice may be contestable and contested.

The above discussion has outlined my theoretical approach to conceptualizing and analysing policy. I now turn to a specific concept underlying the policy concerns under discussion here - the concept of 'care'. Care underlies child protection policy in that it is inspired by a 'caring about' children who have been abused or are at risk of abuse. 'Care for' children is also the underlying purpose of day care services. The following section explores the concept of care in relation to policy, and in relation to institutionalized practice and in the context of family life.

3.4 Conceptualising care

Care is both a human activity and a social process (Sevenhuijsen, 1999:13). As a human activity it involves moral dispositions about how needs can be interpreted and fulfilled (ibid.). As a social process, care is relational, that is, it exists as a relation between the carer and the cared for. These relations occur as part of 'networks of care and responsibility', in both families and communities (ibid., 8). Discussing the concept of care

introduces further concepts that provide a contextual framework for care, such as responsibility (for example, to take care of certain individuals), obligation (for example, towards family members or neighbours), negotiation (for example, about what the care will consist of) and sensitivity (for example, to particular needs).

Investigation into what care constitutes has noted the gender imbalance of carers, with women undertaking more caring work, both paid and unpaid, than men (Oakley, 1981; Finch and Groves, 1983; Ungerson, 1990; Oakley and Rigby, 1998; Cameron, 1997). The principal site of unpaid caring work is the family, both for children (Oakley, 1981; Brannen and Moss, 1991) and for elder and disabled kin (Arber and Ginn, 1991; Office of National Statistics, 1998). As noted in Chapter Two, a key concept in framing the decision making around caring for adults is that of obligation (Finch and Mason, 1993). In Finch and Mason's study, a sense of obligation or duty to assist and care for relatives helped to structure respondents approach to informal caring 'work' within kin networks. This obligation is also morally structured, with a concern to do the 'proper thing'. Caring in these filial circumstances constitutes both practical help and emotional support, or, as both 'labour' and 'love' (Finch and Groves, 1983).

The organisation of caring labour beyond the family can be found in the work of voluntary organisations (eg., Help the Aged, WRVS; Save the Children Fund, Preschool Learning Alliance, etc) which employ both volunteers and paid workers, and the welfare state. Paid caring work within the welfare state is a human activity that is mandated by the state, and as such is governed by policies that may describe how and in what way it is intended that caring work will be carried out.

A final introductory comment on conceptualising care is about how it is valued. Most caring work is historically either unpaid (e.g., mothering, or elder caring, although both may be financially supported by welfare benefits) or low paid (e.g., day care work, nursing). Furthermore, some caring work, such as providing day care, has a marginal occupational status in occupational classification schemes (such as that used by the Registrar General). Another aspect of the value ascribed to caring work is the close

association between caring and mothering roles. Normative assumptions about who carries out caring work (women and mothers) also underpin what caring work is or is like. For example, Walkerdine drew parallels between mothering and primary school teaching (Walkerdine 1985:209), and similar parallels between day care work and mothering have been drawn by Dahlberg *et al.* (1999). Some day care services (e.g., childminding) have been supported by policy because the domestic setting in which they are located is thought to closely replicate mothering (DHSS/DES, 1976). So the normative assumption that caring for children is a mothers' role has also come to characterise the paid caring work of 'looking after' or 'teaching' children. This has had consequences for how caring work is valued in monetary terms and viewed in terms of social status.

As Lewis argued, the assumption that motherhood is unpaid is embedded in the assumptions of the post-war welfare state (Lewis, 1992; 1997). Lewis developed models that compared employment, welfare policy and unpaid work in various countries and argued that Britain represented a 'strong breadwinner model'. By this she meant that the welfare state was predicated on the assumption that its provisions would largely support (heterosexual) families where there was a single, male, breadwinner. The role of the woman was as secondary wage earner and to service the family, to care for its members, who may be children or otherwise vulnerable kin. Lewis argued that in Britain 'the firm dividing line between public and private responsibilities for caring work' has endured (1997:169). The embeddedness of caring work as privately located, unpaid, and 'naturally', mothers' work, in both policy and practice, has, combined with low monetary value and low occupational status, maintained care work as a low status and consequently a poorly valued activity and occupation.

Alongside the activity of care, where and how it takes place is also underpinned by predominant discourses about 'good' care. As I noted in 2.3 and will discuss in more detail in 5.4.3, what constitutes good care has been closely related to what constitutes good mothering and this has been the subject of longstanding debate. A framework of normative expectations of mothering has developed, not just about the ideal household

structure for good mothering but also the human qualities that it involves. In the post war era normative ideas about these human qualities centrally rested on the ideas of developmental psychologists such as Bowlby (1951) who emphasised such qualities as 'warmth' and 'intimacy' to define 'good' caring relationships with children. In a study of how motherhood is understood in the contemporary era, Urwin (1985) argued that mothers of young children internalised and reproduced theories of good or ideal caring as mothering developed by psychologists, and in so doing self-regulated the kind of care they offered their children.

This very brief sketch of how to conceptualise care has suggested that care is a daily human activity, involving human qualities of sensitivity to interpretation of needs and responsibility for others, and it is a social process, involving negotiation about what should be done to help and obligations about who should be helped. Care is found in varying institutional and filial locations and has varying mandates, from informal networks of care for neighbours or friends to legally prescribed care (or accommodation) of children under legislation such as the Children Act 1989.

The aim of the next sections are to explore caring within employment, drawing on the discussion of family and mother-care (while acknowledging that other care contexts exist, such as caring by volunteers); and to draw attention to the ideas and concepts that buffet, are in tension with, and possibly limit, the activity and the discourse of caring. In particular I shall consider how social policies that address caring employ concepts that shape what care constitutes.

3.4.1 Caring within employment

Caring within employment contains many of the same elements as caring within families (such as practical assistance and emotional support), but draws on an institutionalised or legislatively prescribed mandate. Thomas (1993) argued that the concept of care has to be broadly defined to encompass the complex reality of caring activities. This includes not only informal caring work with elder kin, but also employment in caring work. She

argued that 'care is both the paid and unpaid provision of support involving work activities and feeling states. It is provided mainly but not exclusively by women to both able bodied and dependent adults and children in either public or domestic spheres, and in a variety of institutional settings' (ibid., 1993:665).

Ungerson's (1995) work investigated the phenomenon of 'paid volunteering' for the care of people who are incapacitated through age, infirmity or disability. She argued that the idea of paying for care to some extent confronts the definition of care as an 'informal' activity, and that it was difficult to see how informal and formal care differ. Both contain elements of 'labour' and 'love', and both, to pick up on Thomas' argument, must be considered as work, not solely affection or loyalty induced activity.

Thus far, concepts of caring within employment incorporate a specific type of mandate, the provision of support through labour and possibly loyalty or affection, and embrace formal and informal organisational settings. Writing from a Scandinavian perspective, Leira (1992) sought to develop a concept of care that integrated care activities and the issues that arise when care is carried out inside and outside the domestic arena and within a welfare state.

Leira argued that there are three essential elements to a conceptualisation of care: first, it must encompass the breadth of applications of caring activity; second, it must specify the activities involved; and third, the concept must incorporate the element of moral obligation that accompanies many (but presumably not all) caring situations. Leira argued that care as work differs fundamentally from other forms of work in that it is based on a particular set of skill requirements. She outlined two skills: first, an ability to anticipate needs, to 'recognize and interpret the situation of one who is not able to care for her/himself' together with a willingness to accept the social norms of personal obligation; and second, a sense of respect for the integrity and dignity of the person being cared for, so that in moral and ethical terms they retain their autonomy (Leira, 1992:32). These skills form the basis of Leira's concept of care.

This conceptualisation of care clearly applies to informal and familial care, that is. to care in the private sphere. Leira's concept of care extends to the public sphere, namely the (Scandinavian) welfare state, whilst recognizing that the very terms 'public' and 'private' are perhaps too crude to characterise the complex realities of caring. Leira argued that an examination of the locations and structures under which caring for children takes place demonstrates that caring spans the traditional private and public divisions. She stated: 'caring for children interlinks the private sphere and the public domain and bridges the gap between welfare state decision making and the worlds of everyday life' (ibid., 1992:28). The welfare state includes two assumptions about care and caring: firstly, that it is, and will remain predominantly private; secondly, that it is a public responsibility. These assumptions can be seen in the professionalization of personal relationships when there is public investment in care, and the introduction of private obligations into public sector employment (ibid, 1992:28).

Leira's arguments were developed specifically in relation to the 'Scandinavian experience', a particular feature of which in post war decades has been public policy support for women's employment outside the home by developing publicly funded day care services. Lewis (1992) described these countries as adopting a 'weak breadwinner model', in contrast to the British policy position (outlined in 3.4; 1.3; 1.4.2). In order to investigate how Leira's concept of care, and in particular her ideas of how caring can be conceptualised as a set of relations across private and public domains, it is useful to consider Fox's (1974) ideas about social relations within workplaces in order to develop a theoretical framework for viewing the caring work of day care providers.

3.4.2 Types of social relations in caring work

Fox (1974) argued that two dimensions critical to an understanding of social relations within work as employment are 'trust relations' and 'contract relations'. Trust relations are those relations within work dependent on having faith or confidence in a person or a thing within the work environment. The idea of reciprocity, where a sense of personal obligation, and commitment to the organisation or an individual is important, as is a

sense of autonomy in one's everyday working practices. There is an assumption of common values which promote the overall goals of the workplace. Contract relations, on the other hand, suggest a prescribed, relatively inflexible relationship between the worker and the work itself (whether product or person). Rules and roles may be written down, limiting the scope for personal discretion and autonomy. Fox argued that the two types of social relation do not readily co-exist: if trust shrinks, then distrust takes over, which may lead to a tighter specification of the working environment, or contract relations.

These two types of social relation can be adapted to distinguish between the forms of 'caring as work' that exist in the different types of day care service. Fox argued that trust and contract relations are largely incompatible, and his argument concerned relations within work environments. Adapting his ideas, I will argue here that in the case of social relations between a specific work environment, day care, their key customer, mothers/parents and their regulating body, the local authority, it is possible to view relations of contract and trust as varying between provider types. Moreover, both types of social relation can be found within day care provision.

A key relationship in day care services is that between the mother/parent, and the provider. Taking Fox's concept, the social relations between a childminder and a mother can be characterised as a relation based on trust. A mother employing a childminder is dependent on a high degree of trust. She is relinquishing some control over the upbringing of her child, and the trust she places in her childminder is dependent on a commonality of values about how to bring up children. She may choose a childminding service because the domestic setting resembles home, and believe that the values espoused by the minder will be similar to her own. The conditions of the relationship are rarely written down, although the conditions of the service may be set out in a contract¹.

When a mother takes a child to playgroup, the social relations between mother and provider are similarly of trust, based on a belief that the child will be safe and well looked

¹The Childminding Association (CMA) supplies sample contracts to members, which may or may not be used. Table 7:1 sets out the use of contracts in my study of day care providers.

after while the mother is away. Again, the parameters of the service provided may or may not be set out in writing, but the values that underpin the caring activities and the style of caring may be assumed and unstated. Although parents are technically welcomed in playgroups, this assumes a commonality of values about 'what playgroups do'. However, as I will discuss in Chapter Six, Finch's (1983) work showed that assuming a commonality of values in playgroups was mistaken as differing social classes held differing values about what playgroups do and should do.

Social relations in day nurseries are the most contractual of the three provider types. Day nurseries usually have a hierarchy of management, suggesting more inflexible roles and relations between staff. Furthermore, the nursery is more likely to use written contracts with parents and to operate to a set of rules and policies which may or may not be openly displayed and is less dependent on the more nebulous relations of trust. In a day nursery, then, it would appear that both trust relations and contract relations exist: elements of contract relations serve to support the institutional aspect of the nursery, while the relations between mother and nursery based on trust are the working basis on which day care workers and mothers in practice draw.

Thus the three provider types can be positioned as utilising contract relations to a certain extent (setting out the conditions of the service), but as more dependent on relations of trust between parents and provider. The extent to which a service type is dependent on trust relations varies between types of day care. Childminders and playgroups are more dependent on trust relations, or 'high trust', as here relations are dependent on individual negotiation, than day nurseries, which may be described as 'low trust', as relations with parents rely on both contracts and trust. Chapter Six explores how this varying dependence interacts with other features of the structural context in which the day care type is located and examines the use of contracts in practice.

This examination of caring within employment as noted some similarities with caring as motherhood or in families (such as a concern with assistance and support and normative expectations of what care constitutes), but there are also some important differences. The

policy or legal mandate for caring within employment adds a different dimension to caring within employment. For example, as argued in Chapter Two, it is arguably the case that the centrality of obligation in care within kin networks is not so central to caring within employment. Also, as discussed in 2.4.1, the existence of caring employment in itself does nothing to ensure that all care embodies the human qualities of 'good' caring, as some care workers have been allegedly abusive towards children.

The policy mandate of caring employment can set out the conditions which are thought to promote the activity and the processes of caring relations between parties, and can provide sanctions for the failure of care, but it is difficult to see how optimum care, depending as it does on essentially human qualities, can be precisely specified by policy. When examining how care is interpreted in employment, it is apparent that care has different meanings in the different settings in which it takes place. It is, for example, easy to recognise care as having an element of devotion when referring to mother care, but perhaps nursery workers would not describe their relationship with children in this way, and would rather emphasise their ability to anticipate and meet the needs of a child. The task of the next section is to draw out some variations in the interpretation of care in child protection and in day care.

3.4.3 Care as (social) work: dual roles

I referred earlier (3.4) to the extension of formal caring employment in the post- war era. Social work with children and families is an example of such caring work. 'Child care' social work refers to 'helping' work with children and families and has its origins in the local authority children's officers and children's departments introduced in the Children Act 1948. Local authority social work is a professional location for specific, legally mandated, forms of caring. It developed through the benevolent voluntary societies of the 19th century, and was adopted, and bureaucratised, by the post-war welfare state (Hopkins, 1996). Social work's professional skills relied on social casework, a notion that integrated theories of a therapeutic relationship with a holistic, helping, caring understanding of the families' situation (Parton, 1996). In time, ideas about community

work also came to be incorporated into social work's skills base (e.g., Barclay Report, 1982). Later still, local authority social work came to adopt a case management, or coordinating, approach to its work with families, where the actual helping work was done by a range of carers, and a 'package of care' was coordinated by the social worker (Howe, 1996).

These evolving work styles together with shifting agendas on child abuse and child protection (social work was given a central role in coordinating local authority response to cases of non accidental injury in 1974 (DHSS, 1974a) and subsequently child abuse/protection (DHSS, 1988; Home Office *et al.*, 1991)) have meant that caring within social work employment has developed as a balance between 'care' and 'control'. A Social Services Inspectorate Report examining changes in child protection and child care work in local authorities over the period 1992 - 1996 noted that over time child protection policy came to be interpreted as child care policy, so that the two kinds of practice were united and provided a 'comprehensive framework for practice' (SSI, 1996:29).

These dual roles of providing care as practical and emotional support and simultaneously embodying the controlling functions of the state have come to define modern social work. In addition, aspects of these care and control responsibilities are given more or less emphasis in different caring occupations and different social work situations. For example, care as support can be seen in the roles and tasks of some workers, such as family support workers, while control is more readily seen when social workers present evidence to courts to request emergency or other orders to effect a removal of a child from its family. These two examples of extremes of practice do not, however, adequately convey the complex interaction of care and control as aspects of child protection in daily practice in caring within social work employment.

As I discuss in 5.8, the introduction of the Children Act 1989 embodied this dual approach to social work with children. The emphasis was on the support of families and the protection of children through using the provisions of the law. Some analysts of child welfare policy and practice have argued that along with the Children Act there has been

a shift in how child care social work is practised so that the focus of practice is far more on presenting the evidence both of significant harm, and on the likelihood of future harm, with the result that the focus of social work practice in child abuse has seen it as a socio-legal problem rather than solely a medico-social problem (Parton, 1991). This suggests that the relative balance of care and control in child protection is subject to shifting understandings of the problem of how to offer protection to children. However, at the time of my fieldwork (1994), a number of factors suggested that the attention of policy and practice was focused on the more controlling aspects of social work. One factor was that local authorities were in the implementation phase of the Children Act, and early evidence suggested that their attention was focused on formal child protection investigations rather than the expansion of family support services (Audit Commission, 1994; Aldgate *et al.*, 1994).

A second factor was the recent history of child abuse inquiry reports which, as I outline in Chapter Five, served to focus critical attention on the practice of social work either in failing to protect children from their families (Beckford, 1985; Henry, 1987; Carlile, 1987), or from the over-intrusion of the state (Butler-Sloss, 1988; Clyde, 1992). A key task in social work was to deliver protection that was effective for children yet sensitive to the needs and wishes of families.

In this context where the emphasis is on a care as protection framework, one question to arise is how far this use of care (as protection) is similar to or different from the concept of care outlined earlier (in 3.4) in relation to care in families or in relation to care in day care. Using a definition developed by Sevenhuijsen (1999), care, I argued, is a daily human activity and a social process. Within families and kin networks, a moral framework informed by normative assumptions shapes understandings about what care constitutes and who should carry it out. This dependence on negotiation using a moral framework is perhaps not so evident in caring within employment, as the framework of what caring is conducted is set by legislation and policy, and who carries it out is subject to recruitment processes. However, beyond these formal processes, normative assumptions about caring evidently play a role. For example, the gendered pattern of

caring in families also occurs in the gender distribution of caring employment with a substantial proportion of women workers among day care workers, primary school teachers, social workers, midwives and nurses (Owen *et al.*, 1998: Table A). It would seem that a moral and normative framework influences how the daily human activity of caring is understood and carried out alongside the formal processes of policy setting out the remit of caring work.

The activity of caring within broad social work employment includes both the dimension of 'caring for' for example, physical care of children in a nursery, and a more generalised 'caring about', for example, what happens to vulnerable people. It incorporates the skills base mentioned above of establishing and utilising therapeutic relationships, with a recent emphasis on planning and recording packages of care services or courses of action (SSI, 1996). Child protection care within social work employment is perhaps, then, derived from care as conceptualised in families and kin networks (a concern to help and support). But in the development of its professional base, child protection care is also reliant on state sanctioned structures and methods for carrying out this care, (such as working with a specified child protection system), as well as professional knowledge derived from other disciplines such as child health and developmental psychology. An additional and important factor in shaping social work's care is the influence of normative expectations in determining the appropriate balance of care by the state and care by families. This is explored in more detail in Chapter Five, where it is a key theme.

Care as protection in child care social work may differ from care as practised in day care in two important respects. First, because a key role of social work is to coordinate use of the formal child protection system in both causing enquiries to be made into individual circumstances under the Children Act and ensuring the coordination of child protection plans under *Working Together*; this can bring the support and assistance aspects of caring work into direct conflict with the controlling aspects of using the protection system. Utilising the law and the child protection system in this way is not part of the work of independent day care providers so their care is not so closely allied with simultaneous formal protection of children.

This leads to the second important difference. Social workers' relationship with and proximity to using the law can create a tension in their social relations with parents. It may be that a family's perception of helping is using the law, but conversely, opinions on what constitutes help may differ (as in the Cleveland affair, Butler-Sloss, 1988). However, in day care, the role of the law in framing the caring relationship is less immediately apparent. Although day care is regulated by law with certain conditions aimed at protecting children spelled out in Guidance, such as the ratio of staff to children (DoH, 1991a: 6.41), beyond these prescriptive requirements the provider is rarely called upon to use the law as part of their caring activity and relations with parents.

In other words, the social relations of trust that I identified above as being a key part of day care providers' relations with parents with an appeal to shared values and personal autonomy and commitment do not provide the sole basis for social workers' social relations with parents, as they may also draw on the resources of the formal system of protection and the law, as well as the bureaucratic organisation of local authority SSDs, which may provide supervisory and peer support to social workers working in practice teams.

3.4.4 A summary of care

This exploration of the concept of care has sought to emphasise the breadth of care contexts while still retaining some key essential elements of what care is as unpaid and paid work. I began with understandings of care within family and kin networks, and then examined care in employment. Care is underpinned by normative expectations of who provides help and support and in what circumstances: in caring employment within the regulatory conditions of the welfare state these normative expectations do not structure individual negotiation over what is available so much as structure understanding of how care is provided (i.e., what is good care, and who provides it).

I argued that social relations are key to care. Three sets of care relations, employing differing interpretations of care and potentially differing experiences of caring activity, are relevant here. First, I argued earlier that social relations between day care providers

and mothers over the care of young children are mostly predicated on trust and 'caring for' children. Although there are elements of contract in day care providers' relations with parents, such as the use of written 'rules' for using the service, these are perhaps less likely to spell out the value base for sharing the care of children.

Second, relations between independent day care providers and the welfare state are mediated mainly through legislation regulating the market, and through a discretionary level of local authority support and purchase of places. This, as I will argue in Chapter Six, is a central feature of the particular structural context that independent day care operates in, of mostly small scale individual businesses and community groups, with variable, but generally poor, access to the resources of, and relations with, local authorities. The third type of care relation is that between mothers and the welfare state, which is historically mediated through concepts of private parental responsibility for children, maternal (in)adequacy and the idea of the child's best interests, as will be discussed further in Chapter Five.

3.5 Conclusion

This chapter has drawn together an exploration of the power and scope of policy and discussed some concepts that help define how policy 'works' in the fields of child protection and day care, with an exploration of the concept of care with the aim of drawing out differences between care in families and kin networks, and the care in some types of caring employment.

I argued that policy is essentially a regulation of social and work activities. Regulation works in different ways. When policy is translated into written procedures the regulation becomes more specific; when it is not, the regulating quality of policy is there in intent, but the capacity for interpretation and possibly dissent may be more evident. In the case of child protection policy and *Working Together*, procedures were laid down at a national level in a fairly precise way, but so far as I could ascertain when beginning the thesis, local policies and procedures relevant to independent day care providers were not. The

regulation was occurring at one level but it was unclear how it worked at the level of everyday practice.

In discussing how the power or influence of policy is operationalised, I argued that supplementary concepts are helpful. For example, the concept of governmentality suggests that child protection policy has to be studied not just for what it specifies, but also the particular discourse employed to discuss it, and the instruments used to measure the effectiveness of policy, and also, not least, its effects on families, children and their services. Policy can introduce, embellish or evolve new definitions of ways of working that can become 'taken for granted' because they are spelled out in policy. The same ideas or ways of working would not necessarily gain the same ground if introduced outwith government policy. Furthermore, policy works by conveying normative assumptions about values and beliefs which are embedded in policy. They become accepted or desirable practice. These assumptions are in turn taken up by practitioners as 'truth', and they self regulate their practice accordingly. In this way certain, essentially ideological, messages are transmitted. Policy, therefore, is not necessarily perceived as overt control of professional practice or individual citizens, but is conveyed in many subtle ways. One question which arises about how child protection policy works in day care is to ask what aspects of the policy gain compliance in day care practice because they concur with perceptions of normative behaviour, and what aspects of the policy do not, perhaps because they undermine or contest the process of self regulation.

In the second type of theoretical question, concerning care, I aimed to show what is meant by care, and how the concept could be used to understand the normative assumptions and organisational structures upon which independent day care providers draw to exercise care. Care as seen as a human activity providing physical and emotional support, and a social process. Care is situated between individuals and groups, rather than imposed by policy. In other words, care is dependent on people caring in order optimally to exist and it is therefore relational. In independent day care, trust relations were identified as a central feature of care relations. Underpinning care are normative assumptions that shape expectations of care, whether in families, kin groups or work

environments such as day care services. The relationship between care and child welfare policy, with its legal mandate and access to the controlling provisions of the law potentially gives rise to tensions in the exercise of care. Arguably, protection as a role of child law embodies a combination of care and control, and opinions may differ between carer (social work) and cared for (child and/or family) about how best to offer protection. A question that may arise using this relational definition of care is how far the roles and tasks specified in child protection policy for day care providers are commensurate with their understandings of caring for children and conducting relations with parents.

Having set out this theoretical framework, I shall turn next to the design and methods of the thesis before embarking on the analysis of three sets of evidence in child protection and day care.

CHAPTER FOUR

DESIGN AND METHODS

4.1 A tripartite design

The research questions posed in Chapter One linked policy with practice, and suggested that at their interface there were a set of underlying assumptions that shaped both policy and practice. Specifically, the approach sought to understand policy through its historical development, through its contemporary manifestation, and through the practice of 'policy recipients', or day care providers. The design of the thesis sought to address these three main sources of evidence.

4.1.1 Section One: the contemporary policy analysis

National and local policy provides a framework within which practice occurs, or can be expected to occur. An initial reading of the child welfare and day care literature suggested that there were underpinning concepts in common to both day care and child protection which had developed over time and through legislation and policy documents. These underpinning concepts, principally 'protection' and 'prevention', are worthy of further exploration because their interpretation and re-interpretation through policy provide an important part of the framework for present day understandings of policy and practice. The analysis of national and local policy in the contemporary era was also necessary to provide a context for the analysis of day care providers' practice and reflections on their practice. Chapter Six therefore analyses contemporary policy.

4.1.2 Section Two: the historical policy analysis

In order to investigate the underlying assumptions that have shaped the way contemporary policy has developed it is also necessary to explore aspects of its historical roots in legislation and public debate (Silverman, 1993). For example, as I discuss in

Chapter Five, current legislation to regulate day care uses the concept of the 'fit person', which was originally used in the 1872 Infant Life Protection Act. Similarly, enduring themes of public debate can be traced through legislation and policy. An example of this is the idea that domestic homes are private 'sanctuaries', and it is inappropriate for law to address itself to parental behaviour within them (as Lord Shaftesbury did in response to the proposal to make child cruelty a specific offence in 1889). A variation on this theme can also be seen in the emphasis on parental responsibility, and therefore self-management of problems, in the Children Act 1989. Thus, a second element of the design was to analyse similarities and differences in the emergence of dominant concepts and themes across the policy fields of child protection and day care, and this is primarily carried out in Chapter Five.

4.1.3 Section Three: the day care study

The third main source of new empirical evidence was the collection and analysis of interview data for the day care study. The day care study was carried out in parallel with a study of local authority implementation of the provisions of the Children Act 1989 for services for children under eight, a study on which I was employed as a member of a research team. The larger project (hereafter referred to as the 'Children Act Project') was funded by the Department of Health and took place from August 1992 to December 1995. The thesis was able to make use of the programme of fieldwork in one stage of the Children Act project. The day care study was a qualitative study drawing mainly on interviews with day care providers, but, in addition, drew on supplementary interviews with other personnel as I detail below. This chapter will provide an account of the methodology adopted for the day care study and will identify both my individual contribution to the Children Act Project and the distinctive methods developed for the day care study. I will also provide an account of the approach to policy analysis I adopted.

4.2 How will the design address the aims and objectives

By analysing policy in an historical context, and specifically highlighting the emergent concepts and themes that shape contemporary policy, I sought to address the aim of investigating the underlying assumptions in the fields of child protection and day care. By documenting the public debates and legislation in the contemporary era, I sought to identify whether, and to what extent, policy was related to, or influenced, day care practice. The third aim was to explore the views and experiences of day care providers at the interface by examining the operation in practice of the written child protection policy. This was addressed by the interview data from the day care study.

The main aim of the day care study was to conduct interviews which would provide details about the perceptions and practices of day care providers. Given that local authorities have a role in implementing national policy, I considered it necessary to collect interview data across more than one local authority, to see if there were any differences between the responses of providers in different areas. In the supplementary interviews conducted with local authority officers, and with representatives of voluntary sector organisations for day care services, in each of the two local authorities where the provider interviews were conducted, I aimed to establish whether progress had occurred in implementing the child protection policy (set out in *Working Together*). In the event there were few, if any, differences relevant to the local authority approach between the two local authorities in either the provider or officer/representative interview responses, so for the purposes of analysis the interviews were taken as a whole group, and the role of local policy was minimised (see 4.8).

On the basis of anecdotal information gained during previous employment in a social services office¹, and from an initial reading of the literature on day care and child protection (e.g., Pugh, 1996; Parton, 1992), which appeared to reveal an absence of studies examining the role of day care providers in the field of child protection, I

¹I was employed as a qualified social worker from 1987 - 1992.

hypothesised that the written policy was little known, or debated, and was possibly unimplemented through the local authority structures. The method adopted for this study therefore sought to determine whether this was, in practise, the case.

The day care study was also designed to fall within the parameters set by the fieldwork stages of the Children Act Project. This project acted as both an opportunity and a constraint. The opportunity was chiefly one of obtaining access to an appropriate sample of day care providers. The constraint was that there was limited scope to extend the interview respondents beyond those identified for the Children Act Project. For example, it was not possible to interview mothers within the parameters set by the Children Act Project. It could be argued that mothers form a missing dimension of the study. Their perspective would have enriched the data, particularly in such areas as the possible impact of child protection investigations and the operation of a key theme such as ‘working in partnership with parents’. I have had to rely on data collected by other studies, and in similar, (but not identical) circumstances, to fill this acknowledged gap in the design. Below I outline the complete list of data sources in Table 4:1, I then go on to describe the methods employed by the Children Act Project and the day care study.

Table 4:1 Data sources used in the study

Data type	Data description	Time period/titles	Principal reference
a) policy documents	Legislation pre-1989	1868 - 1989	Chapter 5
	Legislation post-1989	The Children Act 1989	Chapters 5, 6
	Circulars, Guidance and Regulations	1868 - 1989	Chapters 5, 6
	Guidance and Regulations under the Children Act 1989	a) Working Together b) Volume Two	passim
	Local authority policy documents	1992 - 1995	Chapter 7
b) new empirical data	Children Act Project	a) provider survey b) case studies c) final report	Chapters 4, 7
	The day care study - pilot fieldwork		Chapter 4 & Appendix 4
	The day care study - main fieldwork		Chapters 4,7 & Appendix 9

4.3 The Children Act Project

The aim of the Children Act project was both to monitor and evaluate the implementation of Parts III and X of the Children Act in a stratified random sample of 18 English local authorities^{2,3}. The details of the method and design are given in Appendix 2. In brief, the Children Act project was conducted in two stages. The first was a 'mapping' stage, which involved describing the local authority policy environment for the implementation of the legislation relevant to day care through extended interviews with so-called 'key' participants.

The second, evaluative, stage examined the impact of the Act on day care services through a number of smaller studies, each designed to draw on the perspectives of relevant policy 'actors' (Finch, 1986). One of these studies was a series of cases studies on key duties and powers under the Act. I was responsible for the case study of the duty and power to provide services, and this included interviews with day care providers (Bull *et al.*, 1994a; Cameron, 1997b). It was this programme of fieldwork that provided an opportunity, in parallel with questions about provision, to interview day care providers about their views and experiences on issues of child protection and neglect. I was also able to supplement interviews with local authority officers and representatives with similar questions about any links between local child protection policy and day care practice.

Throughout the Children Act project, in the design, analysis and writing stages, my specific area of responsibility was the provision of services for children in need and not in need. This provided me with a good general background in the relationship between social services departments, their statutory duties and powers, and the priorities accorded by them to the provision of day care services (Cameron and Moss, 1995). In the design stages, I took a major role in designing the case study element of the project; and, in

²A parallel and linked study of the implementation process in Wales was carried out by Dr. June Statham and funded by the Welsh Office. Both projects, and the day care study, benefited from close working relations.

³The details of the Children Act Parts III and X are given in Appendix 1.

particular, the design of the questionnaire for the structured survey of providers. My contribution to the Children Act project was one which both in subject area and methods employed enabled me to gain skills and knowledge which could be applied to the parallel investigation of child protection in day care.

4.4. Designing the day care study

4.4.1 Preliminary thoughts on the design

In designing the day care study, I took an early decision, on the basis of anecdotal information and the absence of previous studies addressing this specific area, that my empirical enquiry was likely to be of an exploratory nature. This suggested two approaches. First, the empirical enquiry would benefit from being grounded in historical and contemporary analysis of the development of relevant policy. Second, this grounding would have implications for the design of the fieldwork tools. In order to explore practices, indications were that the most appropriate style of questioning would have to allow for discussion and probing, with the hope of producing narrative accounts of respondents' views and experiences. At the same time, I had to take into account the real possibility that few of my sample might be familiar with the subject matter: the style of questioning should not therefore expect all the respondents to have experiences to narrate, but should be able to record their views as well as those with more extensive relevant experiences of issues of child abuse and neglect.

4.4.2 Influences on the design

Several factors, then, influenced the design of the day care study. First, the possibility of a wide range of views, requiring a method and interview schedule or guide sufficiently flexible to accommodate the variation. Second, the fact that the subject itself may well be unfamiliar to some providers, also indicating a need for flexibility and sensitivity to individual differences. Third, the subject matter was a sensitive one, and might be ill-understood, which could indicate a need for an approach that made use of the personal interaction skills of the researcher.

As outlined earlier this study was about how policy and practice inter-relate, using the subjective experiences of practitioners as a primary source. Finch (1986:167) argued that methods which permit a focus on the 'subjective reality of those people who are the targets for policy decisions' make an important contribution to the study of social policy. This focus on subjectivity also suggests that other features of the data collection and analysis environment may be important. These include the study of people in their natural or usual settings, a focus on the meanings given to individual accounts, and a concern with the process of gathering information as well as the end product or outcome. All these concerns indicated a qualitative methodology as the most appropriate approach. Hamersley (1992) identified flexibility, the study of people in their natural setting and the study of meanings as well as processes as all advantages of a qualitative method. Similarly, Marshall (1986) identified a concern with meaning and an engagement with people as two key themes of doing qualitative research. There are issues of validity with adopting a qualitative approach, which I will return to in 4.4.4.

This approach was confirmed when I considered the issue of sampling. There were two aspects to this issue. First, the scope of the respondents. It was obviously necessary to interview a number of registered day care providers as they were the principal source of evidence about how the policy was working. In addition, the perspective of local authority officers seemed important as *Working Together* specified various local authority tasks (such as awareness training for day care providers, and enabling providers to contribute to child protection conferences) to support the ability of day care providers to participate in the policy. To address this I planned to interview some local authority senior policy officers or managers with responsibility for child protection matters to see how they met these responsibilities. As *Working Together* gave some detail (set out in 7.1) as to what local authorities should do in this respect, I did not anticipate much variation in terms of the substance of the policy, only perhaps in methods of delivery of aspects of the policy.

I also included the views of representatives of the main day care provider organisations:

the Preschool Playgroups Association (PPA⁴), the Childminding Association (CMA) and the Private Day Nurseries Association (PINA). I considered that these respondents would be able to give a local authority-wide or regional perspective on the way child protection policy was considered for each type of day care, for example, on matters of training in child abuse awareness and/or child protection procedures.

Although resources would not permit me to investigate matters in a representative number of local authorities, sufficient to draw general conclusions about policy implementation across England, it did seem important to go to more than one local authority to ascertain whether there were any marked differences between local authorities' policies. Nevertheless, the emphasis of the study was to be on the perspectives and experiences of day care providers, as a means of critically examining the national policy and the implicit values therein, and not on comparing methods of local authority implementation, an approach supported by Finch (1986).

The second sampling decision focused on the type of sample of day care providers to be obtained. The two alternatives considered were whether there should be an attempt to limit myself to locating those providers who had some experience of 'child abuse work', a 'purposive' sample (Patton, 1990), or whether to interview a random sample of providers. A purposive sample would select respondents because particular knowledge about them suggested their experiences and views would aid the research questions. The argument in favour of a purposive approach to sampling was that a random sample would produce few day care providers with any experience of such work, and so may not reveal much. However, the argument *in favour* of the random approach was twofold: first, that there were pragmatic difficulties and ethical considerations with finding a group of purposively sampled 'experienced providers'. I would, for example, have to engage the services of social workers and/or under eights officers to trace such providers. There was also a possibility that social workers may not have good relations with some day care providers as a result of previous experiences of working together on child protection

⁴The PPA became the Preschool Learning Alliance (PLA) shortly after the fieldwork phase, and the organisation will hereafter be referred to as PLA.

matters. I did not wish my interviews with day care providers to be 'coloured' by a route of contact through social workers or other officers, an approach which might also entail a breach of confidentiality.

The second argument in favour of the random sample approach was that a range of views was seen as important. A random sample would perhaps enable those providers who had suspected child abuse but who had not reported it, to be identified and to contribute to the study. I therefore resolved to obtain a random sample of day care providers. In order to protect the confidentiality of respondents, I ensured minimal involvement with the local authority in obtaining the sample.

The three main ingredients in the design and thus the methodology selected were, therefore, to select a random sample of registered day care providers, from more than one local authority; to locate a range of local authority and provider respondents but with a focus on the views and experiences of day care providers; and to adopt an interviewing approach designed to produce narrative accounts. Before proceeding with the study I decided that I needed to establish two things: conduct a pilot study, and form an advisory committee of practitioners for the pilot stage. The details of this and other preliminary activity are given in Appendix 4.

4.4.3 Results of the pilot fieldwork

The pilot study confirmed that a random sample of day care providers would produce both a range of views and experiences and some experiences of reporting suspected abuse and participating in the child protection system. It also confirmed that an exploratory approach would be necessary as the range of reporting styles, and of 'stories' to relate suggested that there would be a wide variation in these two factors within a sample of day care providers. While some of the pilot study respondents were able to relate circumstances in detail and ably conveyed the distress and difficulty involved, other respondents needed careful probing to help them think about circumstances where they had been worried about the possibility of child abuse or whether to refer to a set of

circumstances as 'child abuse'. To capture the complexity and depth of these 'stories', study meanings and processes and to provide an interpretation which was based on respondents' understandings and actions demanded a flexible approach. It would be impossible to catch this through the mechanism of 'closed' or precoded questions.

4.4.4 Design: validity and constraints

The Children Act project's case study of provision offered an opportunity to conduct parallel fieldwork on issues of child protection and neglect. The respondents for the case study and the day care study were very similar (the latter required in addition to interview senior managers with responsibility for policy on child protection issues). The case study took place in two local authorities, thereby meeting my criteria for establishing whether differences existed across more than one authority. In addition, the case study involved a random sample of day care providers drawn from local authority held lists of registered providers, and it took place in two contrasting⁵ districts within each local authority thereby obtaining a wide spread of different geographical and socio-economic settings for the sample of providers. In all these respects the overlap between the project and the study was useful, enabling them to be carried out simultaneously. However, I was aware that while the project and the study both required a sample of day care providers, the need for a random sample was methodologically more important to the study than to the project⁶.

The day care study sought to explore the views and experiences of day care providers in a guided but not highly structured way. Given this objective, the study was not designed

⁵The contrasting characteristics varied according to the requirements of the theme. For the case study of provision, the characteristics were contrasting methods for implementation of the relevant sections of the Act; contrasting levels of provision of day care services; and contrasting socio-economic features taken from the 1991 census such as car and house ownership.

⁶The project case study required an in-depth consideration of practice as this related to local authority policy (itself led by the Children Act's duties and powers for day care services). The primary outcome for the case study was a depth of understanding of issues and processes within local authority policy making and implementation, and there were no claims to generalise from the results of the project case study to all day care providers.

to be representative of all day care providers, (i.e., generalisable to the population of day care providers), such a design would require a far greater number of day care providers and resources than was practically feasible in my study. While large scale studies that claim to be generalisable to whole populations draw their validity from their volume of respondents, qualitative research has similarly to ensure that its methods produce accounts which are valid, which have 'truth value' or 'strike a chord' of recognition with people in similar circumstances (in this case, day care providers) (Strauss, 1987). Marshall (1986) argued that there are three main criteria of validity in qualitative research. First, the conduct of the research must be openly reported, with specific attention to the researcher's role, and awareness of the process of linking data collection to analysis and creating meanings. Second, the relationship to the data, the theorizing, making alternative explanations and the process of making sense needs to be reported. Third, the research needs to be contextualised so that links to other work are made and the account is rendered recognizable in terms of other studies.

Apart from ensuring the validity of the accounts generated in the day care study, I anticipated a further constraint on the production of data. This was the problem of confidentiality, and the effect of a researcher on the willingness of day care providers to discuss very sensitive matters. There were several aspects to this. First, I needed to ensure that the local authority officers responsible for day care providers knew the focus of the study and when it was taking place, so that if any providers telephoned them in response to my letter they would be able to respond appropriately. To this end I wrote to the senior regulation officer in both authorities informing them of the research, and asking them to pass on the information to their officers⁷ (see Appendix 5 (a)). But I also wanted to assure respondents that the local authority would not be party to the interview data, to ensure that respondents could report the details of their practice in confidence. I anticipated, for example, that there might be cases where day care providers had been concerned about possible child abuse or neglect, but had not known about or had not followed procedures such as contacting the social services department. I wanted to ensure that I took every

⁷ In one authority I was invited to speak to the county team of regulation officers to explain the research in person.

precaution to help them report such events to me, without fear of the SSD being informed.

The second aspect of confidentiality considerations (and potentially in conflict with the first), was the issue of the researcher witnessing what she believed to be child maltreatment while visiting the day care provider. I had to resolve how I would deal with such a possibility, should it arise. I drew on ethical guidelines from the TCRU ethics committee (see Appendix 5 (b)) which stated that I would discuss any serious concerns about children's wellbeing as a result of visiting day care premises with my supervisor in the first instance and would, if it was considered necessary, contact the respondent after the interview to discuss what I had seen with a view to reporting the matter to the local social services department. This would obviously breach the confidentiality sought with the day care provider, but the criterion agreed was that I would place the child's welfare above the need to preserve the confidentiality need of the day care provider. Lastly, I sought to support my commitment to the confidentiality of respondents by asking each to sign a consent form in which it was stated that I would not reveal their name, local authority or any other details which would make them identifiable in any published work arising from the study (see Appendix 5 (c)).

4.5 Sampling procedures

The strategy adopted for the sampling of the main fieldwork stage of the day care study was the same as that adopted for the pilot study. A random sample was taken from the lists of registered providers in two districts within each of two local authorities. I have indicated above how the local authorities were chosen. The two factors guiding the selection of districts were first, to obtain a contrast of rural and urban environments within each local authority, and second, to illustrate any local features of providing services for young children, such as groups working to provide services for children from minority ethnic backgrounds.

The details of the sampling strategy varied slightly with each local authority because of

certain inaccuracies in each authority's lists of registered providers. I began in a Northern Local Authority, which I shall refer to as Steeland. After discussions with a policy officer from the social services department I decided which urban and rural districts I would select for the study fieldwork. The rural district (District A) was chosen for being the most outlying and the most sparsely populated district. It had several market towns and a seaside resort, a network of small and remote villages, and large tracts of farming areas. District B was selected because it offered a deprived urban area, where closures in the steel industry over a decade ago were still felt in the high levels of local unemployment. This was also an area with a small but significant Asian population with an active women's group which had been trying to organise some services for young children.

In these two districts I assigned each childminder, playgroup and day nursery a number and using a random numbers table, I selected 20 childminders and 15 playgroups. There were insufficient day nurseries in each district to select by this means; in District A I chose the first three on the list of five, in District B there were only two in total so both were included. Letters inviting participation in the research were sent to all the day nurseries, ten playgroups and 18 childminders (see Appendix 5 (d)).

About a week later, I attempted to telephone each person to whom I had written in order to discuss the study and arrange an interview. I stopped telephoning when I had reached my target numbers of 12 childminders, eight playgroups and five day nurseries. While the day nurseries were relatively easy to contact, the playgroup leaders and childminders were less so. The problems were different for playgroups and childminders. An initial problem was that the telephone numbers of playgroup leaders were not published. To obtain these I asked a regional PLA representative (who was also an interviewee for the Children Act project), and she obtained permission from the groups concerned before I contacted them on home telephone numbers. A second problem was the high turnover of personnel in playgroups. I found, therefore, that I was not always contacting the appropriate person. Thirdly, playgroup leaders are frequently very busy people, with children of their own to take to and from school and often they have other commitments such as part-time jobs and/or commitments to other voluntary organisations. It therefore

took repeated telephoning at various times of day to contact them, but once I made direct contact none of the playgroup leaders refused to take part.

The lists of registered childminders held by the local authority also contained inaccuracies. For example, some childminders did not have a telephone; some numbers were listed incorrectly or were unobtainable, while others had stopped minding but were still listed. In these cases I decided to interview childminders if they had worked in the previous six months. There were two refusals among the childminder group. The reason given for refusing by the first minder was that she was 'fed up with all the red tape in the Children Act'. The second minder referred to the pressure of work due to looking after children with special needs and a consequent inability to find the time to meet me.

The sampling and interviews in Districts A and B in Steeland were carried out in January 1994. I repeated the procedure for sampling described above in the second local authority, which I shall call Goldenside, and these interviews were carried out in April 1994. The two districts, one urban, one rural were again chosen in consultation with a policy officer from the social services department. The urban district, District C, was chosen for being a densely populated city that was also a seaside resort, with a more ethnically and socially mixed population than found in other areas of the county. It also had a city council which was committed to supporting child care initiatives. District D on the other hand was a rural area stretching inland from the coast with a network of villages and one major town, but no single focus for the provision of health or social services. There were very few child care services, particularly for children 'in need' and these often had to be sought in a neighbouring area. Much of the area was very affluent.

The same target numbers of interviews were sought in Goldenside: 12 childminders, eight playgroups and five day nurseries. There were similar problems in the accuracy of the lists of registered providers in Goldenside, which led to difficulties in obtaining the sample. This problem was particularly acute in the lists of childminders. This meant I had to sample in two batches, resulting in a greater volume of providers, and higher numbers of uncontactable childminders. In particular, the telephone numbers were inaccurately

recorded, had not been recorded at all, or were unobtainable through directory enquiries. Four of the first batch of eight childminders written to were uncontactable by telephone: as were three of the second batch of six. One childminder refused to take part. I discussed the research with her (as with all the sample) as an opportunity for her to express her views about the Children Act, and while she initially said she would get back to me, she did not do so and was therefore counted as a refusal.

The records for day nurseries and playgroups were more accurate, and sampling was more straightforward. Letters were sent to four day nurseries, and among this group there were two refusals. One refused to take part on the grounds that it was inappropriately registered as a day nursery - it was instead a nursery school and therefore did not have anything to offer the research because it was claimed that it did not offer day care, but education. The second was telephoned repeatedly but the manager did not respond to messages and ultimately I decided not to pursue it. Letters were sent to four playgroups, with the hope (based on experience to date) that they would all take part. In the event one playgroup refused, on the grounds that as the leader had only been in post for a few months, she felt ill-qualified to discuss the merits or otherwise of the Children Act. To make up the sample I telephoned the next playgroup leader on the list (who had not had an introductory letter). She agreed to take part in the study.

In summary, I had a sample of 12 childminders, eight playgroup leaders and four day nurseries in Goldenside; and a similar sample of 12 childminders, eight playgroup leaders and five day nurseries in Steeland, giving a total of 49 day care providers across three types of day care, in two local authorities and from four districts within those two authorities. Table 4:2 below illustrates the procedure for obtaining the sample, and Appendix 6 gives the details of sampling and response rates by each district.

Table 4:2 Procedure for obtaining sample of day care respondents in each local authority

Preliminary contacts	Telephone conversation with local authority 'key' officer to a) choose urban and rural districts b) select officer and voluntary sector respondents
	Telephone conversation with information service/regulation officer to a) inform of research and request to pass on information to officers working in selected districts b) request lists of registered day care provision in selected districts
Sampling	Assigned number to each provider and selected a sample using random numbers table. Selected more than target number to allow for non-contact and refusals
Contact	Letter written to sample providers inviting participation
	Follow up telephone call. Telephone numbers were checked using telephone services (e.g., operator and directory enquiries), and where necessary local childcare information service and voluntary sector representatives of services. Where provider was not available I tried to telephone back at a more convenient time. Only when all these methods were exhausted did I count a provider as 'uncontactable' or as a 'refusal'
	Interview appointment normally during working hours and at a location to suit the respondent (e.g., home, nursery office, playgroup)

4.6 Supplementary interviews

The supplementary interviews with officers and with representatives of early years child care voluntary organisations were obtained by a direct request to the persons concerned. All officers and other personnel were enthusiastic about the research and readily agreed to be interviewed, although it must be stressed that the primary purpose of the interview was about the implementation of the Children Act in day care services and the promotion of day care services within the local authority. Issues of child abuse protection and neglect within day care services were woven into the interviews, but were a more marginal concern.

The number of respondents varied between each authority, according to nominations advised by the key worker, and reflecting the policy environment of early years in each area. In Steeland there were seven interviews with local authority officers, made up of an Assistant Director, a Policy Officer for early years, an Under Fives Officer, an Early Years Development officer and three regulation officers working in the sample Districts A and B. In addition, there were five interviews with representatives from voluntary organisations including the PLA (two, one regional development officer, one training

coordinator), the CMA's regional development officer, the local PDNA's representative sitting on the early years forum and the chair and coordinator of the ethnic women's forum.

In Goldenside there were four interviews with local authority officers: one Policy Officer, two regulation officers (again working in the sample Districts), and one Race Equality Officer (working for the local borough council). From the voluntary sector there were two PLA interviews (the regional representative and the Chair of one branch who was also a member of a local workplace nursery manager's forum); one interview with the Chair of the county CMA, and one with the Chair of an Under Fives Association running in one area of the county as a 'breakaway' PLA. In addition there was an interview with an employee of the local child care information service which was run by a consortium of local bodies, making a total of five voluntary sector interviews. Table 4:3 summarises the respondents in the study.

Table 4:3 Summary of respondents

	Steeland		Goldenside		Totals
a) Day care providers					
childminders	6	6	6	6	24
playgroups	4	4	4	4	16
day nurseries	3	2	2	2	9
					= 49
b) Social services					
Policy	2		1		3
Regulation	3		2		5
Development ¹	2		1		3
					=11
c) Voluntary Organisations					
CMA	1		1		2
PLA	2		2		4
PNA	1		0		1
Under 5s Association	0		1		1
Information Service	0		1		1
Ethnic Minority	1		0		1
					= 10

¹ Includes one information officer, one race equality officer, one early years support officer.

4.7 Analysing interview data

I have established that the type of data I wanted to produce was, so far as possible, accounts of experiences. In addition, I wanted to collect data on providers' views about child protection and neglect, as well as descriptive information about the service provided. The interview schedule is reproduced in Appendix 3. Following Silverman, I took the view that interview data 'display cultural realities' (Silverman, 1985:157). That is, the information is valued not for its portrayal of an objective, verifiable, 'truth', but for its presentation of actual, real, lived accounts which may or may not accord with others' accounts. Similarly, Finch (1989) argued that such data produce general normative views about social behaviour and decision-making.

The questions that sought to explore views and experiences did so in an exploratory, open-ended way. They asked about child abuse in general, and, in particular, perspectives and understandings of how to 'recognise' child abuse and what to do if, and when, child abuse is suspected. The analysis of the data led from this starting point. I grouped the responses to questions under three main headings: 'definitions' (of abuse), 'accounts' and 'patterns of communication' with respect to parents and other agencies and compiled the responses from each schedule on to a three column table. Each respondent's responses then had a page (or more), all of which were logged in a ring back file. With each set of responses easily physically handled, I then 'immersed myself' (Glaser and Strauss, 1968) in these data. I was aware that the respondents' relating of circumstances where child abuse had been suspected or the 'telling of stories' did not necessarily occur at the specified points in the interview schedule, so I had constantly to refer sideways to different columns of data.

To begin with I was not entirely sure what I was looking for (other than evidence of 'ideological messages' in the words of respondents), but looked for patterns arising out of the data, rather than expecting the data to conform to a previously stipulated pattern based on a particular theory (ibid.). From this immersion process I got to 'know' the providers' responses, although I was aware that this 'knowing' was not divorced from the

interview process itself. In other words, when I read and reread a particular table. I could visualise the interview location (house, office or playgroup), the children who may have been present during the interview, and the interactions between the respondent and myself from my memory. Sometimes I could remember their hesitation or uncertainty about recalling events. During stages of analysis this became a vivid memory, one unavailable to an analyst who had not conducted the interviews. However, I was also aware that this supplementary information was contextual and could not figure too much in the type of analysis I had chosen. I had to confine my interpretation to the written data.

The outcome of the immersion process was that I drew up a number of features which characterised relationships between day care and child protection. These features were subject to constant re-examination and refinement as I proceeded through the cases but guided me towards organising my interpretation of the data. Following Glaser and Strauss (1968), there was a continual travelling backwards and forwards between my research questions about the extent of day care providers' involvement in child protection work, and the issues and dilemmas that arise when being involved with this type of work, and the accounts provided by the data. This process also enabled the generation of new questions about the relationship between the experience of policy and views based on practice. An example of the latter was the recurrent issue of support provided (or not) by local authority officers for day care in general and in cases of child protection in particular.

One immediate feature of the study of the interface between day care practice and child protection policy was the evident diversity both in types of day care and in experiences of identifying and reporting child abuse. Diversity itself was anticipated in both fields. In day care a diverse range of types of day care has been positively promoted as reflecting parental 'choice' (Hansard, 1988:281; 1989:397-8; DoH, 1998a), and in child protection, studies have established that defining, and, consequently, identifying and reporting child abuse, is tied to the values, experiences and professional base of the person doing the defining (Thorpe, 1994, and see 2.3). Therefore the incidence of cases of suspected child abuse, the capacity of the providers to identify abuse and their inclination to report such

cases were all likely to be highly variable.

Acknowledgement of this diversity of day care types and of difficulties in defining and categorising child abuse meant that the analysis had to be sufficiently flexible to allow for differences of interpretation by the day care providers of their roles and tasks (e.g., a registered day nursery which preferred to describe itself as a 'school', or wide variation in definitions of abuse employed by the providers). At the same time, the analysis had to be sufficiently rigorous to enable broad, but coherent classification of providers' responses.

From working with these complex concepts and categories I moved the data from a series of data tables which organised the verbatim interview responses to the production of more thematically organised material. It was at this point that I began to introduce the policy statements within *Working Together*. By looking at the policy statements which detailed expectations of day care providers such as 'day care providers should have agreed procedures for contacting the local authority social services department about an individual child' (Home Office *et al.*, 1991:4.41), I could see that I could organise my data around specific objectives for the day care study, as outlined in 1.2. The first was 'to what extent is the child protection policy being practised in private and voluntary day care services?' and the second was 'what are the issues and dilemmas facing day care providers when they do participate in the child protection system?'

The first question could be addressed with explicit references to the policy statements, and with reference to all the interview sources (i.e., interview responses of local authority officers and voluntary sector representatives, those of day care providers, and documents produced by the two local authorities). The second, a specific development of the first question, would require a far more interpretive approach. Given the lack of existing research focusing on day care providers' experiences in this field, this second question would enable me to be more speculative about the implications for the written policy for practice and, conversely, suggest ways in which practice could signify implications for policy.

4.8 Analysing policy documents

4.8.1 Linking policy and practice - the status of policy

The analysis of interviews described above clearly sought to explore practice in the light of the national policy in place at the time. The objective was to see how the two were related to, or influenced each other, and how productive this was for issues of practice (see 1.2). However, as I set out at the beginning of this chapter (and in 3.3. and 3.4), my perspective on policy itself included recognition of its evolutionary character, with enduring concepts and themes that shape understandings of how policy is to be carried out in practice. The implementation of national policies can also be mediated by local interpretations of policies (by local authorities, for example). Policy, then, conveys the overall expectations of practice, but considerable interpretation of meaning is possible. The purpose of policy is to regulate practice, and in doing so it employs historically situated and publicly debated ideas about what practice constitutes.

This perspective on the scope of policy as simultaneously authoritative and open to interpretation meant that the analysis of policy documents was potentially problematic, in terms of what 'counted' as a policy. I was concerned in the main with *Working Together*, but recognised that both this policy and practice would, or may, draw on a wider body of concepts and themes represented in a range of other policies. The anecdotal beginnings of the thesis (an under eights advisers' problem of how to instil the 'correct' child protection procedure into childminders and other day care providers), prompted me to build up evidence of a wider potential problem in practice through consulting the national policy document *Working Together*. Although the study was anchored in, and given policy relevance by, the existence of a national policy document, the purpose of the study was not to track policy implementation in terms of written local policies.

One of the findings of the Children Act Project was the variable state of policy implementation in respect of day care. It appeared that local authority policies may or may not have existed on paper and those that existed on paper had varying degrees of

detail, such as a programme or timetable for implementation. In the case of child protection policies for day care, it seemed that the policy as laid down in *Working Together* had not been implemented in any formal sense, in that in the local authorities visited there were no written local policies about how to translate the national document into everyday practice in the light of local circumstances. However, a policy without evidence of local implementation still, in my view, exists. There was some evidence from my initial contact with an under eights adviser that there were expectations that day care providers could identify and report child abuse, and that these expectations were rooted in the fact that a national policy was written down. The aim, therefore, was to explore the practice issues and dilemmas that may arise as a result of the fact of the policy 'existing'.

4.8.2 Rejected theories of policy analysis

With these considerations about the character of policy in mind, when I came to analyse the policy documents, I considered, but ultimately rejected, standard theories of policy analysis. Analysts of policy implementation have tended to focus on structures and administrative processes (rather than the views and experiences of those administering policy) and to concern themselves with the fulfilment or otherwise of policy objectives set out in governmental (or similar) programmes either from a 'top down' perspective (eg., Sabatier and Manzaniman, 1979), or from a 'bottom up' perspective (e.g., Hjern and Hull, 1982). The 'bottom up' perspective is more promising to the present study in that this approach 'starts by identifying the network of actors and asks them about their goals, strategies, activities and contacts with people in the field'. It then uses the contacts as a vehicle for developing a network technique to identify the 'local regional and national actors involved in the planning, financing, and execution of the relevant governmental and non-governmental programs' (Sabatier, 1995:277).

In contrast to the 'top down' approach, the 'bottom up' method does not presume that the key actors in the implementation process are the policy makers, and this would appear to be consonant with the position of the day care provider (who ostensibly has no responsibility to *make* policy). But the 'bottom up' approach is not sufficient to the

present analysis as it presumes a level of participation in the policy-making process that did not appear appropriate for day care providers who have little or no responsibility for policy making, but merely provide a service. In addition, the search in either approach for evidence of a 'government or non-government programme' seemed too formal a description of the picture in day care with respect to child protection policy.

In the two local authorities visited, there was no evidence of a local programme of implementation. The national policy was given a mention in booklets distributed to day care providers by the local authority officers, but there was no evidence of interpretive activity, no programme or 'planning, financing and execution' at the level of local government policy making. There was 'just practice'. Without guidance to practice which a locally written interpretation of policies can provide, policy is in danger of simply becoming a range of *ad hoc* responses to individual cases.

4.8.3 Developing an historically-sensitive approach

Rejecting the above theories of policy analysis led me to question how it was possible to analyse policy in such a way as to be sensitive to its variable formulations and its regulatory character. Inherent in policy's regulatory character, as I outlined above, was the incorporation of enduring concepts and themes (in this case, examples are 'protection' and 'prevention'). The principal aim of policy analysis, it appeared, was to reveal the similarities with, and differences between, the evolution and interpretation of concepts and themes in the policy traditions of both day care and child protection. The policy traditions are specifically represented by relevant legislation, government documents and public debates, so these were my primary source of evidence for the policy analysis.

The two policy traditions converged in the legislative framework provided by the Children Act 1989. This legislation was a starting point for my policy analysis. Examination of this legislative convergence generated questions about the extent to which the two fields of day care and child protection can be said to have similar or different philosophies and guiding principles, and in consequence whether the welfare

professionals working in the two fields were likely to interpret the legislative framework in the same way. An examination of the legislation from this perspective (discussed further in Chapter Five) suggested that differing philosophies and principles do exist in the policy traditions of child protection and day care (notably, the extent to which an individual child's welfare is seen as paramount) and that to understand these differences it was necessary to examine the legislative and practice precedents or history of welfare services.

What is interesting about this investigation of the history of policy is that the same predominant ideologies are repeatedly articulated in policy documents across both fields (notably, that the 'family is best for children'), as I shall show in more detail in Chapter Five. When an historical approach to analysing policy is adopted it is possible to see that these predominant ideologies, or normative assumptions, such as those about 'proper' motherhood and about the 'sanctity' of family life, both inform and infuse policy, they become, to borrow Rose's (1989) term 'ideological messages'. When policies are introduced that to an extent compromise the ideologies, as both child protection and day care services do, by providing alternatives to the 'ideal' home environment for children, there is still an appeal to those same ideologies within the way policies are articulated and interpreted. Thus, policies for day care services, (their existence reflects the fact that the mother is not solely a 'domestic creature', but also is employed outside the home) have traditionally been deeply ambivalent about the purpose and extent of day care services (as reflected in divided conceptual and administrative frameworks). They are unable, perhaps, to embrace an alternative ideology to that of mother as 'ideal' carer for children, with the implication that one of the tasks of the framework for analysis is to illustrate or make 'visible' the ways in which ideologies or normative assumptions pervade policies.

By analysing policy as a developing, historical and dynamic tool, through which one can trace common themes and ideologies, it is possible to provide an explanatory conceptual framework for the 'problem' of child protection and day care services. It is possible to deconstruct and then problematise the relationships, terminology, and concepts on which the two traditions of policy are built. The analysis of empirical data then feeds into and

is grounded within the historical dimension of policy analysis. The process of empirical analysis is embedded in a reading of history in which the main themes and contradictions are made apparent.

4.8.4 Problematising policy concepts

Several concepts employed in policy documents have meanings embedded in them which require exploration and more precise definition. Where changing understandings of concepts have made a significant contribution to understanding the aims and scope of policy, such exploration is done in the relevant chapters. (For example, the concept of 'partnership' is discussed in Chapter Six.) Some other concepts - 'providers', 'parent' - are considered here.

I noted in Chapter One that the term 'providers' is both newly deployed in the field of day care and one that appears to be being employed in related fields such as health services and community care. The growing use of the term reflects a government policy 'to change the balance of welfare provision away from a predominantly public to a private concern' (Biggs, 1990:23) Under this 'mixed economy' of services public authorities are not seen as the only or the primary bodies responsible for the delivery of services, but private individuals, companies and voluntary organisations can also undertake this function. Thus the term 'provider' is an umbrella term used to refer not to a specific type of organisation, but to variety of circumstances whereby services are offered. In the case of day care the term 'provider' replaces the term 'worker' to refer to the individuals who provide the service. While the new term may appear to be a more accurate reflection of the situation in day care, its adoption also serves to obscure further issues surrounding the conditions of service of employment for those providing day care services. I will show in Chapter Six that day care services are fragmented between different service types and philosophies. The progressive use of the term 'provider' reflects and enhances this fragmentation - it does nothing in itself to characterise a coherent workforce who deliver day care services. Nevertheless, it is the term in common usage, and one I will use throughout the text.

A further term that requires some exploration and qualification is that of 'parent'. While evidently most children have two parents, the legislative history, and that of research into policy and practice, suggests that it is misleading to assume that both parents equally undertake responsibility for their children (see 2.5.2). Despite a recent policy emphasis on *parental* responsibility (see, for example, *Meeting the Childcare Challenge* (DfEE, 1998a)), it seems clear that it is in fact *mothers*, who undertake most of the labour of parenting (Brannen and Moss, 1991; Gregson and Lowe, 1994), and mothers rather than fathers who retain the sense of responsibility for parenting (Popay and Clarke, 1998). For example, it is mostly mothers who deliver and fetch children from day care services (Meltzer, 1994). When discussing children's services, such as day care or child protection, it is necessary to bear in mind that 'parents' usually refers to 'mothers' involvement with the service and/or the statutory agency.

In this study, the issue of mothers/parents is particularly important for two reasons. First, I will argue that the dominant ideological force shaping the development of policy in the field of child protection and in day care is the prevailing ideologies of motherhood in England throughout the 19th and 20th centuries. To refer only to parents would be to obscure this historical perspective. Second, the study's focus is on the views and experiences of day care providers, whose perceptions are regarded as critical to understanding policy implementation and practice. These providers were all women. Thus there is a clear gender commonality between the focus of enquiry, and the 'subjects' of the system being enquired about. I attempted to keep this commonality in mind throughout the analysis of both policy and practice. The term 'parent' will be used where it follows from discussing policy documents, while recognising that often, but not always, it refers to mothers and not fathers.

4.9 Conclusion: How the design fits the questions

The approach to theory and design of the study sought both pragmatism and sensitivity to the complexities of policy analysis. A level of pragmatism was called for when conducting the study within the constraints of the Children Act project. Beyond the

simultaneous data collection there was some overlap in subject matter, but for the most part the two studies had different methodological and theoretical concerns. The complexities of policy analysis in this field is demonstrated in three dimensions charted in this chapter. First, the apparent lack of a policy and guidance at a local, implementation level to provide a framework for analysis of day care practices. Second, both 'day care' and 'child abuse' were defined and constituted in different ways and in differing contexts, and analysis would therefore have to be sensitive to this. Third, it appeared necessary to analyse contemporary policy not just in terms of existing practice, but also in terms of the historical development of the concepts that underlie policy.

The tripartite design of the thesis sought to address these dimensions, but also to provide the analytic tools to address the research questions outlined in Chapter One. The multiple sources of evidence required differing emphases on the methods employed. The day care study of providers and local officials viewed practice as offering evidence from the 'targets' of policy, rather than the makers of policy. Local authorities were viewed as 'responding' to the national policy as well as the providers. In other research, indeed in the Children Act project, the local authorities were viewed as active implementors, whereas this approach was insufficient for the aims and objectives of this study.

The mode of analysis I adopted sought to identify recurrent themes and to generate questions out of the interview data after I had immersed myself in the material, sorted and sifted through the responses to my largely open-ended questions. From this I was able to organise my interview material around a central research question related to the practice and understanding of policy.

The historical and contemporary policy analyses which form the first two sections of the study were led by the need to draw out the evolution of concepts in common to the interface of child protection and day care and to examine how they contribute to the everyday understandings and expectations of day care practice. The next chapter examines the historical evidence for the interface of child protection and day care, before going on to consider the contemporary evidence.

CHAPTER FIVE

POLICIES FOR THE CHILD - PROTECTION AND PREVENTION: 1868 - 1989

5.1 Scope and focus of historical analysis

In this chapter I will examine the historical underpinnings of the ideas, concepts and themes that shape and characterise public policy in the twin fields of child protection and day care. By tracing the recurring and overlapping themes in policy and legislation I aim to demonstrate how each of the fields of social policy have inherited and interpreted those themes. The modern antecedents of day care and child protection, then, can be found by examining the late nineteenth (19C) and twentieth century (20C) debates in 'welfare' policies. I will confine my discussion to public law¹ legislation passed between 1868 and 1989, from the beginnings of the use of the concept of 'wilful neglect' in law, to the enactment of the Children Act 1989. Legislation tends to be both a reflection of, and a contribution to, an understanding of 'childhood', and so can be used as signifying 'markers' in the development of public policy about, and for, children.

Hendricks (1990) argued that this time period saw first, the emergence of modern notions of 'childhood', and then, after 1900, a more detailed scrutiny of childhood. Such scrutiny can be seen in the breadth of legislative focus during this period, from measures concerned with employment and education (e.g., Education Act 1870; Mines Act 1842), to matters concerning childrens' welfare in the care of their parents, such as custody and guardianship (e.g., Guardianship of Infants Act 1886; Custody of Children Act 1891), or removal from the family home on grounds of parental cruelty or neglect (e.g., Prevention of Cruelty to Children Act 1889). Furthermore, there were measures addressing the parenting of children, such as the registration of births (1907) and training for midwives (1902). A succession of 20C Children (and Young Persons) Acts led to the current legislation, the Children Act 1989, which rescinds most previous child care law.

¹A comprehensive list of the legislation referred to in this text can be found in Appendix 7

The main theme to emerge through public policy and legislation is that the 'family is best for children'. In this chapter I shall consider this and other, parallel (and interrelated) themes which recur during the period. These parallel themes are that of offering the 'protection' of the state to children; that the state should offer a preventive role in situations of parental cruelty and neglect; the development of a concept of 'adequacy' of parenting, and particularly mothering, and that of the 'welfare principle', which refers to a consideration of the child's 'best interests' as a principal factor guiding decisions by courts when considering the care and upbringing of children. These in practice are supplementary themes which can be seen as tools that can aid, undermine or compete with the application of the main theme, that of the family being best for children.

A central tension to emerge in the evolution of policy debates and legislation is that between the strength of the belief in the privacy of the family and that of state sanctioned intervention in family lives. Parton, in his discussion of the emergence of modern social work, put the problem thus: 'how can the state establish the health, development and hence, rights of individual family members who are weak and dependent, particularly children, while promoting the family as the 'natural' sphere for caring for those individuals, and thus not intervening in all families, which would destroy the autonomy of the private sphere?' (Parton, 1994:17).

5.2 Origins of public policy in the child welfare field

Rapid social and economic change in 19C Britain, such as increasing urbanisation, employment in manufacturing industry and working class women's employment outside the home (Lewis, 1984), also meant rapid changes in children's lives. Many children were destitute and homeless (Behlmer, 1982; Eekelaar, 1978). There was also a perception of widespread criminal activity among the poor and among children (Parker, 1990). These destitute children constituted a visible and a perceived threat to social order (Walvin, 1982). The welfare system in place was the feudal Poor Law, which relied on parishes to provide public assistance or relief. This came under increasing strain: it provided for the very poor who could prove attachment to a particular parish and it relied on the

principle of 'less eligibility' as a disincentive to its use (Poor Law Amendment Act, 1834). At the same time a new middle class was emerging with new affluence and, imbued with ideas about helping the poor, certain sectors of the middle class became organised into benevolent voluntary societies. These societies formed a central vehicle for the expression of public policy responses to social and economic difficulties faced by children and families (Behlmer, 1982; Freeman, 1983; Walvin, 1982).

If a main objective of policy and legislation concerned with children was to maintain social order, means had to be found, as Parton pointed out, of effecting social control without threatening the predominant ideology of the privacy and autonomy of households. One method of doing this was to draw distinctions between certain kinds of poor children in order to identify appropriate means of helping them (or not). For example, a leading reformer, Mary Carpenter, constructed a dichotomous categorisation of children: the 'perishing' or deprived and the 'dangerous' or criminal (Carpenter, 1968). While the perishing deserved help, the dangerous required control through incarceration. The idea of children requiring punishment was complemented by those who believed children need rescuing: and the 'child saving' movement was itself founded on religious revivalism. Believers in child saving, for example, thought of children as a category which merited special attention, such as a new start away from their parental origins. This inspired the trend of deporting children leaving state institutional care to the colonies (Parker, 1990).

These ideas of punishment and rescue were particularly applied to policy for children without families: children living in families were seen as the firm responsibility of those families. Ideas about family life were themselves informed not only by an ideology of family privacy but also patriarchal authority. Paternal authority over and responsibility for women and children was encoded in private legislation². Fathers' rights were absolute, and, very gradually, as evidence of illtreatment of children grew, legislation sought to

²For example, the Guardianship of Infants Act 1886 invoked the wishes of the mother as well as the father as one of three conditions when considering a mother's claim for custody. The other two principles were the welfare of the infant and the conduct of the parents. Previously the father's right to custody had been automatic.

clarify the grounds under which this authority could be contested (Pinchbeck and Hewitt, 1973). This was the process of establishing a notion of child protection within domestic homes as I shall show later in the chapter.

At the same time, an ideology around womens' proper roles began to emerge. Married middle class women were not, on the whole, employed outside the home, and this began to be seen as desirable, but not necessarily attainable, for all married women. Roberts (1986) argued that 'the great majority of women gave up full time work as soon as they were financially able to do so.... [as it represented an aspiration to a] domestic idyll of the wife staying at home to manage the home and family and the husband going out to work to earn the family living' (Roberts, 1986:237, 230). This organisation of the household became both a standard pattern of employment of domestic and waged labour that was not to be significantly eroded for decades (Crompton, 1997) and provided the framework for the ideology of motherhood, and campaigns to improve mothering that became a focus for legislative attention at the beginning of the 20C (Davin, 1978). This ideology focused on the ideal of a full-time, at home mother, and legislation to regularise parenting (such as that setting up the health visiting service, which presumed mothers would be at home to be visited) was constructed in the light of these ideas about the availability of mothers' time and resources to devote to children and home.

The effect of the ideology of motherhood on legislative developments is discussed in more detail later. Here the aim is to demonstrate how ideas underpinning child welfare legislation rested on responses to three main features: structural issues, such as waged labour, urbanisation and poverty; predominant normative assumptions, such as the privacy and sanctity of the family, and the ideology of motherhood. The emergence of philanthropic societies whose activities were inspired by ideas of the 'dependent' and 'vulnerable' child as much as by ideas about the 'dangerous' or criminal child, represented an avenue for the development of welfare services, and whose practices and debates provided a forum for the emergence of legislation to address specific issues.

5.3 Evolution of protection: reinforcing parental responsibilities

The idea of protection for children in the sphere of parenting began to be expressed in legislation in 1868, through the Poor Law Amendment Act (PLA Act 1868). This authorised the prosecution of parents who came under the auspices of the Poor Law for 'wilful neglect' of their children. While the voluntary societies and the legislation referred to enforcing the duties of 'parents', in practice, as I will show, it referred to the work of *mothers* in demonstrating that their children were adequately reared. In this section, however, I will follow the terminology in use at the time of 'parents' (the issue of 'parents' as a policy term was discussed in 4.8.4). Although it had limited application (only parents who were, or might become, the responsibility of the Poor Law), the use of the words 'wilful neglect', were to be retained in subsequent legislation. In addition, interpretation of wilful neglect contributed towards the development of the concept of parents' (or rather, mothers') adequacy to perform their duties as a parent. It is clear from the passage below that children were seen as a private, parental responsibility, and to neglect this duty was to be considered an offence.

'Where any parent shall wilfully neglect to provide adequate food, clothing, medical aid or lodging for his child, being in his custody, under the age of fourteen years, whereby the health of such child shall have been or shall be likely to be seriously injured, he shall be guilty of an offence..'

s.37 Poor Law Amendment Act, 1868

Shortly after this, in 1872, a further act designed to protect children was passed by Parliament, also with limited application, and also designed to reinforce parental responsibilities towards children. The Infant Life Protection Act 1872 was concerned with extending the duties of the state and specifically to regulate the then common practice of 'baby farming'. This was inspired by a cumulative sequence of events: the well-publicised cases of prosecution for such practice, the Waters and Hall cases of 1868; the campaigns of the Infant Life Protection Society which followed the prosecutions; and by the deliberations of a Select Committee of House of Commons established in 1871 to investigate the matter. The term 'baby farming' was used to describe the practice of women taking infants into their own home for reward. The cases of Waters and Hall demonstrated that 'baby farming' could involve extreme neglect, even death of the infant

charges (Pinchbeck and Hewitt, 1973:614). Evidence from the Infant Life Protection Society to the Select Committee established that many of the children 'farmed out' were illegitimate, and as many as 60 - 90% of the children so placed died before they reached one year old. This was a very high mortality rate compared with that of the national population figures in England and Wales or in the Poor Law workhouses³.

The chief concern of the Infant Life Protection Society was that the legislation should provide a system of regulation, so that any women who took care of infants in the absence of the mothers for gain were 'certified as of good character and... registered', and that every child so placed was properly supervised (Prospectus of the Infant Life Protection Society, 1870, quoted in Pinchbeck and Hewitt, 1973:617).

The Select Committee saw its task as to provide a means of securing infants' health while looked after away from the mother, but it was also acutely aware of the 'primary rights and obligations of parents to see that their children are properly taken care of' (House of Commons, 1871). The response to the Bill published along the lines advocated by the Society reflected this concern not to interfere with the rights of the parents. For example, the Committee for Amending the Law in Points where it is Injurious to Women objected to the proposed measure to make parents only use registered persons because 'the responsibility for the child in infancy and in later life lies with them, and we emphatically deny that the State has any right to dictate to them the way it shall be fulfilled... the State should forbear to limit their freedom in this, as in all matters connected with the rearing and maintaining of their families' (quoted in Pinchbeck and Hewitt, 1973:618).

In addition, the National Society for Women's Suffrage claimed that the Bill could endanger the arrangements working women made for their children to be looked after on a daily basis (ibid, 1973:617). In the event, the Act limited its concern to register women

³Mr Corbett, in evidence to the Select Committee, stated that the rate of mortality in Poor Law workhouses was 15 or 16%, 'nearly the same as that among all children born in England and Wales'. Evidence for the Infant Life Protection Society stated that according to the returns of the Registrar General, about 50 - 60,000 illegitimate children were born each year, 'the majority of whom are placed in the hands of baby farmers'.

who looked after more than one infant under the age of one year and for more than 24 hours. The Act required the local authority to keep a register and to refuse a registration where the person was not of 'good character' and the house was not 'suitable for the purposes'. Furthermore, the Act did not apply to the relatives or guardians of any children they looked after.

Although restricted in its application, and easily evaded, this Act provided the origin of two concepts of relevance here. First, it introduced the authority of the state to identify and 'protect' children thought to be at risk from certain situations within private homes even when placed there with the consent of the parents. Thus a concept of 'protection' was introduced into the law, to be operated on the basis of state-sanctioned views of the 'suitability' and 'good character' of both premises and persons. Second, although the legislation was devised to cover situations where children were nursed away from their mothers, it marked the beginnings of legislation concerned with the registration of day care providers, in particular the ideas of registration of domestic premises and persons for child care (it remains relevant to childminders, and is still used as the basis for regulation in Part X of the Children Act 1989). As seen from the responses to the Bill and by the restricted application of the measures, the debate surrounding the Infant Life Protection Act was suffused with the language of endangering family privacy by interfering with parents' rights to bring up their children as they saw fit⁴. Here we can clearly see some of the tensions between ideas about the 'family' being 'best for children' and that of providing 'protection' to children through legislative, regulatory, measures.

5.4 Protection: beginning the provision of services

5.4.1 The prevention of cruelty to children

In the years following the 1872 ILP Act, a more general concern with children's health and wellbeing developed among voluntary societies, in particular the prevention of

⁴An argument equally engaged in attempts to restrict the extension of Guardianship rights for married women in private law, although here the argument focused on not interfering with or restricting the rights of fathers to raise children as they saw fit (Brophy, 1987).

cruelty towards them. Two of the larger societies were Dr Barnado's, which focused on establishing refuges for abandoned children (and through this Dr Barnado became convinced of large scale cruelty to children (Parker, 1990)), and the NSPCC. The NSPCC, founded in 1883, explicitly stated that its purpose was to increase, and, if necessary enforce 'such duties (as housing, feeding, clothing) upon parents, guardians or others entrusted with the care of children' (quoted in Behlmer, 1982:55).

The Society believed that by seeking out and prosecuting parents who failed to provide for their children, they could reform parenting. The project was predicated on a belief that the family was the 'rightful' and 'natural' home for children. The activity and beliefs of the NSPCC built to some extent upon existing legislation, but sought to extend its remit substantially. In contrast to earlier efforts by voluntary societies to remove children from home, the NSPCC did *not* seek to provide alternative accommodation for deprived or neglected children. Reforming parenting was an altogether more ambitious project. To achieve this aim, the NSPCC wanted to pursue two methods. One was legislative reform to strengthen the criminal law surrounding 'wilful neglect' of children, the other was to seek out such cases of neglect with the aid of a nationwide inspectorate (Behlmer, 1982).

The Society needed additional legislation to achieve their aims and within six years of it being founded, legislation largely drafted by them was enacted (ibid.). The Prevention of Cruelty to Children Act 1889 (PCC Act 1889) built on and strengthened the concept of 'wilful neglect' in the previous Poor Law Amendment Act 1868. Whereas the 1868 Act provided for the prosecution of parents who wilfully neglected to provide for a child, and so threatened 'serious injury' to their health, the 1889 Act was more precise about deliberate cruelty to a child. It stated that:

'any person over the age of sixteen years, who having custody, control or charge of a child, being a boy under the age of fourteen years or a girl under the age of sixteen years, wilfully illtreats, neglects, abandons or exposes such a child or causes or procures such a child to be illtreated, neglected, abandoned or exposed, in a manner likely to cause such a child unnecessary suffering, shall be guilty of a misdemeanour'.

s.1 Prevention of Cruelty to Children Act, 1889

The punitive measures included a fine of up to £100, or two years' imprisonment. The Act also introduced the idea of removing children to 'places of safety'. Police were empowered to remove children and to 'take into custody' any person who, in their view, had committed an offence. The Act enabled the courts to receive evidence from children 'possessed of sufficient intelligence' to understand the oath.

The remarkable success of the NSPCC, in achieving its legislation, and in establishing many local branches, can partly be accounted for by its mobilisation of a national mood around the cause of the 'rescue' of illtreated children. In addition, a major factor was due to the efforts of Benjamin Waugh, a leading 'humanitarian reformer and driving force behind London's SPCC' (Behlmer, 1982:58). But the progress and direction of the NSPCC was shaped, however, by an ongoing debate about the relative balance of parental rights and the privacy of the domestic household and the special status of children requiring protection from illtreatment and neglect. For example, Lord Shaftesbury, an Evangelical Protestant, a leading social reformer, and the first president of the NSPCC, believed the private and domestic nature of child abuse within the family rendered it beyond the reach of legislation (Behlmer, 1982:66), yet the 1889 legislation brought (private) family life came within its scope⁵. The Act acknowledged this concern with preserving the authority of the family over its children when it referred specifically to parents' continued rights to discipline children, for example. It stated:

'Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child'.

s.36 Prevention of Cruelty to Children Act 1889

Nevertheless, this Act completed the shift of legal and public attention from destitute, or Poor Law, children to a wider definition of 'deprived' children; those thought to be at risk of material, emotional and physical neglect, illtreatment or cruelty.

⁵Private family life was already subject to some legal intervention with the introduction of the 1839 Guardianship of Minors Act.

5.4.2 Emergent notions of 'protection'

In the 1889 Act, the theme of the family is best for children is reinterpreted in the light of emerging themes of the 'protection' of children where they were endangered by parental cruelty, and of the 'prevention' of such cruelty. Clearly, the Act recognised that for many children *their* family was not best for them. Although the Act appears greatly more sophisticated than previous legislative means of prosecuting parents, Pollock's study of newspaper reports of incidents of neglect and violence towards children in the 19C suggested that there was a general acceptance that child illtreatment existed. She concluded that concern had been growing steadily throughout the century, and, moreover, 'the fact that the majority of cases were also found guilty meant that the law and society condemned child abuse long before the specific Prevention of Cruelty to Children Act appeared in 1889' (Pollock, 1983:93). Thus, it would appear that the Act capitalised on and reflected a public mood, rather than representing a radical policy change.

The work of the NSPCC's local branches was aimed at identifying cruelty and neglect within the privacy of domestic life. The chief methods were to establish a network of inspectors who: could raise the general level of awareness of the Act and the Society's role; could publicise the ways child cruelty could come to the attention of the authorities; and could prosecute parents. Like other Victorian voluntary societies, the NSPCC was influenced by ideas of 'child rescue'. Prior to the PCC Act 1889, various voluntary societies had practised methods of 'child rescue'. These were the collection of children for the purposes of offering food and night shelter; the referral of children through a complex web of contacts and societies and the committal of children to residential homes (Parker, 1990:16). By the time the NSPCC was given a mandate formally to identify children 'everywhere and in all cases whether in the street or in the home....'(Waugh, quoted in Pinchbeck and Hewitt, 1973:630), the 'early practice and abiding image of societies engaged in the direct rescue of children from the streets and low lodging houses..(had been replaced by) complicated networks of referrals that made it difficult to know exactly how children came to be in the care of the voluntary agencies, upon whose initiative and with what financial implications' (Parker, 1990:20).

The national network of NSPCC inspectors were aided by branch committees. One argument put forward in a study of one particular branch of NSPCC practice is that where branches were formed and inspectors appointed, the promotional activity of the Society itself ensured a supply of children identified as the victims of cruelty and neglect. The 'awareness' of the phenomena in some sense 'created' the phenomena (Ferguson, 1992:153). Certainly the years immediately following the implementation of the PCC Act saw a significant number of prosecutions under the Act. Pinchbeck and Hewitt document that in the years 1889 to 1894, 5,792 persons were prosecuted, of which 94% were convicted. In addition '47,000 complaints were investigated by the Society' (Pinchbeck and Hewitt, 1973:628). But in order for parents to be notified to the NSPCC, the existence of child cruelty had to be acknowledged: as pointed out above this had been gaining ground through prosecutions reported throughout the 19C (Pollock, 1983). Arguably, the inspectors did not 'create' a recognition of child cruelty or abuse but acted as a catalyst for defining cruelty that came within the scope of the Act.

The volume of work increased dramatically once the PCC Act 1889 was implemented. From a lone inspector in 1884, the NSPCC had 163 inspectors in 1900 and 250 in 1910. These inspectors documented the number of children affected by the application of the Act as 869 in 1889, increasing to 10,522 in 1890 (Behlmer, 1982:139, Table 5). The combined inspectors' caseload increased from 3947 in 1890 to 23,758 in 1900 and 52,670 in 1910 (Behlmer, 1982: Appendix C). But while in the 1880s and 1890s the majority of complaints were about violence to children, by the early 20C the vast majority of children were referred to the inspectors because of street begging (ibid.). Thus, although the volume of referrals would suggest an increase in the 'discovery' of child illtreatment, it may, in fact, also reflect an increase in reporting of street begging, an activity which had come to be defined as within the scope of child illtreatment and neglect.

One significant element in the referral process was the role of the local neighbourhood and the general public. According to Ferguson's evidence, in one branch of the NSPCC between 1893 and 1914 of 'nearly 4,000 cases of suspected child abuse, 58% were reported by the general public' (Ferguson, 1992:154). The Society was aware of the

sensitivities of neighbourly relations and the consequences there might be of alleging of one's neighbour child cruelty or neglect. Anonymity, therefore, was assured for informants. If a large proportion of referrals were from the public, this would be seen as an index of confidence in the Society's inspectors and methods. To be successful, it was argued, the inspectors were to be 'outsiders who could tactfully negotiate their way around the crowded intimacies and intricacies of modern urban environments in a way that local lay persons could not' (Ferguson, 1992:154). Behlmer, commenting on the same phenomenon of referrals from the general public concludes: 'England's working class did confide in the "cruelty man"' (Behlmer, 1982:171).

A number of factors contributed to a considerable 'opening up' of the family for public scrutiny by the end of the 19C. First, there was a network of inspectors and supporting branch committees. Second, there was a public at least ambivalent, if not amenable to making referrals about cases of child cruelty and neglect. Third, there were a significant number of investigations and prosecutions for the offence. Fourth, the PCC Act was amended to extend its scope in 1894. These changes beg the question: what has happened to the theme of 'family is best' for children in the context of widespread acknowledgement of child cruelty within families? By the early 20C, the notion that the state should 'protect' children was well established in public law, as were also the themes of 'prevention' (through the PCC Act 1889) and maternal 'adequacy' (through a focus on notions of 'proper' motherhood, and through the idea of 'wilful' illtreatment and neglect in the legislation). Outside the particular sphere of child cruelty, developments in child and maternal health and education were rapid at this time and paralleled the concern voiced during the passage of the 1908 Children Act of a 'quickened sense on the part of the community at large of the duty it owes the children' (Hansard, 1908:1251). For example, measures to address, and so regularise, maternal health and education contributed to the development of an 'ideology of motherhood' which aimed to define what was 'abnormal' and what was 'normal' for mothers, and from that what was 'adequate' and what was 'inadequate' mothering.

5.4.3 Motherhood and maternal 'adequacy'

In her study of Imperialism and Motherhood, Davin argued that the concern with infant and maternal health at the turn of the century was inspired by prevailing notions of the importance of race and nation to the Empire (Davin, 1978:10). It was argued that a healthy stock of children were vital to the national interest as they were the 'citizens of tomorrow' and vital to the ability of the country to fight wars overseas. There was considerable disquiet over the evidence of a declining birth rate and a poor infant mortality rate in the last three decades of the 19C. In 1900 the infant mortality rate was 160 deaths of children under the age of one per 1000 live births. This was marginally worse than fifty years previously; in 1850 the rate had been 157 deaths per 1000 live births (Hansard, 1908: 1267). The first large scale surveys of children's health, such as that by Booth and Rowntree in London in the 1890s revealed alarming levels of malnutrition (Ferguson and Fitzgerald, 1954:142).

In the early years of the 20C this concern led to various measures to regularise parenting and, in particular, motherhood. Along with measures to register births (1907) and train midwives (1902), school meals for needy children were permitted (1906), and medical inspections took place in schools (1907). In addition, a Consultative Committee on Education in 1908 recommended nursery schools for children under five in urban and poor districts. These, the Committee argued, were districts where mothers were seen to be failing in their child rearing duty, and nurseries would be able to improve mothering⁶. These health and education services and requirements were not isolated developments, but part of a broad expansion of the welfare professions. Their effect was to promote the value of professional 'expertise' and 'advice' about family life and to extend the 'government' of child rearing. The professions deployed what Rose termed 'medico-hygienic norms' (Rose, 1989:129) which established their authoritative 'expertise' on the

⁶In line with this idea of remedial nurseries, the Macmillan sisters opened a nursery in Deptford, south London, in 1911, with the aim of demonstrating how group care could offer a compensation to children living in socially and materially deprived circumstances.

subject and simultaneously created the dominant ideology of child rearing⁷.

At about the same time, motherhood itself became the target for a sustained campaign of 'improvement'. Davin argued that motherhood was to be given 'a new dignity'. It was the duty and the reward of the individual mother to rear healthy children, and to be responsible for infant deaths and sickness (Davin, 1978:13). Mothers were to be instructed in 'mothercraft' by the medical, health visiting and nursing professions, were to assume sole responsibility for their infant charges and were to be categorised as 'feckless' and 'ignorant' if they deviated from the new definition of motherhood (Davin, 1978:14). Motherhood was given further significance by the influence of the Eugenics Society. This movement held that the 'purity' of the nation required marriages to be scrutinised for any evidence of 'unhealthy' elements which could 'endanger' the next generation. Thus women had a specific responsibility to rear children whose health conformed to the rigours of the Eugenicists' definitions.

Davin pointed out that the Eugenicists included alcoholism, pauperism and criminality as vices to be avoided in a marriage, and attributed them to hereditary factors. The implication of this was an argument for control of the marriages of the poor, as only the rich could comply with the conditions of a Eugenic marriage. For the rich, the role of motherhood was elevated above the intellectual development of women, as the latter might compromise the former (Davin, 1978:20). This concern to distinguish between the expectations of middle class and working class mothers not only reflected differences in women's experiences of family life that existed, but also enabled welfare professionals and legislators to 'target' their activities on the poor and legitimate the scrutiny of certain families; those with 'susceptible' moral standards.

This, then, was the dominant social and political climate of child raising at the beginning

⁷'medico-hygienic' refers to the conflation of moral demands and medical norms. Medico-hygienic norms are the set of doctrines or codes necessary for healthy child rearing, which pose moral conduct in medical terms. For example, drunkenness, debauchery, viciousness, masturbation, insanity were to be considered not only detrimental to individual health but capable of being passed on through generations if mothers did not sufficiently concentrate on mothering (Rose, 1989:128).

of the 20C. Motherhood and child rearing emerged as areas of general and widespread concern beyond the activities of child welfare voluntary societies. The new child health professions such as health visiting and school nursing were becoming established. Education was compulsory from the age of five, so all children were potentially available for surveillance through their presence in schools. Children were firmly established as a 'special' category in legislation and policy and mothers were firmly established as responsible for their upbringing. This increasingly sophisticated web of state sanctioned, but essentially maternal responsibilities for children's health and welfare reinforced and echoed the dominant belief in 'the family is best for children' (Rose, 1989:129). Indeed, virtually all the public legislative and policy activity to improve children's health and welfare was dependent on improving mothers' mothering skills. The most explicit example of this was the proliferation of Schools for Mothers (Davin, 1978:42).

It has been argued that this focus on mothering constituted a re-evaluation of women as mothers and of domestic relations within the family. Donzelot (1980), for example, argued that women's new influence would change and undermine the patriarchal family. Brophy, however, has pointed out that the new standards of child care were 'totally unrealistic', took no account of working class women's living conditions and resources, and the development of welfare 'expertise' undermined traditional sources of support such as those provided by the extended family (Brophy, 1987:39). The attentions of welfare 'experts' did not give mothers more power as such within the patriarchal family structure. Rather, during this period of focus on 'proper' motherhood the concept of maternal (in)'adequacy' became more confidently articulated.

The notion of the family as 'best for children' endured but was reinterpreted in the years between 1850 and 1914. The family was no longer so 'private' as to be immune from investigation; its child rearing activity was also galvanised in favour of Nation and Empire. In some sense the concept of the 'family' was extended beyond the 'domestic hearth' and to the 'family of the nation', so that the family was considered to be a foundation for national strength and identity, not just a source of individual development. The activities of the health, educational and welfare services had the effect of creating a

new consensus about the standards of 'proper' family life.

5.4.4 The Children Act 1908

The Children Act 1908 is an example of the consolidation of existing welfare legislation and an extension of protective responsibilities for 'troubled' and 'troublesome' children. The Act extends the earlier infant life protection legislation (in 1872 and amended in 1897) to cover all 'nursing or maintenance' for children under the age of seven for reward. It also established a local authority duty to appoint infant protection visitors for the registration and inspection of premises and persons. The Act restated the grounds for intervention in cases of neglect and cruelty to children by any person over the age of 16 and it included the term 'assault' as a form of cruelty. Further the Act established that all children who were the responsibility of 'Acts relating to the relief of the poor', were entitled to the provision of services (such as industrial schools, s.58). This altered the emphasis of the 1868 Act, which had merely sought to punish those who failed to provide for children.

The Act restated the police powers to remove a child to a 'place of safety'. Thus it signalled approval of the work carried out by the NSPCC, and while it failed to specify who should carry out the work, it is clear that the voluntary societies had a mandate to continue⁸. The Children Act 1908 marked the end of an era of child protective legislation which had begun with the 1872 Infant Life Protection Act. The legislative provisions of this period set out the parameters of child protection which, with some refinements, largely remained in place during the 20C.

The Children Act 1908, as we have seen, was enacted during a period of considerable legislative and policy activity in the arena of public health, education and welfare. The combined effect of this activity was to reinvigorate a consensus about idealised forms of

⁸Part IV of the Act refined the categories of, and administrative arrangements for, reformatory and industrial schools, and Part V dealt with the provision of separate facilities and measures for young offenders coming before the courts.

child rearing and 'the family'. By the early 20C, 'the family' was located as a vehicle for delivering healthy citizens, but the working class family in particular was only truly capable when instructed and advised by 'experts'. It was no longer possible to argue, as Lord Shaftesbury had earlier done, that legislation cannot reach the family because of its privacy and domestic nature. But neither did the legislation or the services seek to replace the tasks of mothers in their child rearing. The project, as with the NSPCC's initial focus in the 1880s, was to reform and reinforce parental or rather maternal responsibilities via adherence to the 'new' knowledge of experts. During this era the concepts of child 'protection' and the 'prevention' of cruelty were established through systems of reporting and prosecution, and through the provision of health, education and welfare services. Underpinning and legitimating this intervention in private family life were the concepts of a child's 'best interests', and that of maternal (in)'adequacy' to describe the circumstances when it would be appropriate to invoke the provisions of legislation to provide services, or remove children from parental care, or prosecution for 'wilful neglect'.

5.5 Reconstruction in the 1940s and beyond

There were few relevant legislative and policy developments during the interwar period with the exception of the Children and Young Persons Act 1933. Section 1 of the Act largely restated the protective clauses of previous legislation. Children under the age of 16 years were to be offered the protection of the law in the event of wilful assault, ill-treatment, abandonment, or 'exposure', 'in a manner likely to cause him (sic) unnecessary suffering or injury to health'. The Act made provision for the removal of children found to be, or likely to be, suffering under section 1 to a place of safety, and this included the right of entry to 'any house or building specified' (s.40, Children and Young Persons Act, 1933).

Section 7 was also familiar: this restated the continued right of 'any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to him'. This Act was primarily concerned with provisions to regulate

childrens' employment, and the protection of children involved in criminal proceedings, but it did inaugurate a central principle for subsequent legislation. By using the words 'or otherwise' the welfare⁹ of the individual child was formally brought into judicial decision making in public law cases:

'Every court in dealing with a child or young person who is brought before it, either as an offender **or otherwise**, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings and for securing that proper provision is made for education and training'.

s.44, Children and Young Persons Act 1933 (emphasis added)

The interwar years witnessed the elaboration of the so-called 'cult of motherhood' as the prime occupation of married women. For example, domestic management, childcare and the withdrawal of mothers from employment were all idealised as the preferred form of family life (Davin, 1978:47). The earlier emphasis on eugenics in Britain, however, declined in the light of the outcome of the implementation of these ideas in Nazi Germany, rendering it politically controversial and perhaps unacceptable; and the severe economic depression in Britain, leading to a focus on issues such as resolving the housing crisis rather than childrens' welfare.

Further policy measures addressing child welfare emerged immediately after the end of the Second World War. These focused on 'providing for children deprived of a normal home life' (Curtis Report, 1946)¹⁰. The emphasis was on children remaining with their own homes wherever possible, and on articulating ideas about the child's needs. The Curtis Report collated information about 124,900 children living away from home¹¹ and recommended further legislation to address their care and welfare and to limit such numbers in future years. Childrens' families were described as important even if only

⁹The 'welfare principle' was developed earlier in private law, in the Guardianship of Infants Act 1886, see note 2.

¹⁰This followed the Monckton Report (1945), which inquired into the death of Dennis O'Neill, a child boarded out with foster parents.

¹¹These children were living in institutions such as schools, homes and hospitals, they were 'boarded out' with foster parents, and they were destitute.

partially able to supply needs: 'Some at least (of a child's) needs (for affection, personal interest, stability, opportunity, homely environment) are supplied by the child's own homes even if it is not in all respects a good one...' (ibid., 1946: 427).

In the post-war era of reconstruction, therefore, the scope of the new legislation for children, and the language employed to describe it, represented a shift away from measures aimed at punishment and towards the 'care or welfare' (preamble, Children Act 1948) of children. The protection of the law in childhood was extended up to the age of 18 years and 'beyond in certain cases', where children who would previously have come within the scope of the Poor Law (this having now been abolished), or whose parents were 'unfit or unable to look after them' (ibid.) and required the care of the state. Local authorities were given responsibility to care for children without parents, or with inadequate or incapacitated parents, either temporarily or permanently, in the interests of the welfare of the child (s.(1), Children Act, 1948).

While the welfare of the child was stated as the key determinant of how long a child stays in care, the Act also stated that where a parent, guardian, relative or friend is able and willing to care for a child, this should be made possible (s. 1 (2) and (3), Children Act 1948). Guidance to the Act supported and reinforced this emphasis on families caring for children:

'To keep the family together must be the first aim and the separation of a child from its parents can only be justified where there is no possibility of securing adequate care of a child in his own home'.

Home Office, Circular 160/1948

However, this Act also contained provision for the local authority to assume parental rights where a child's parents were dead or he or she was without a fit guardian (s.2). This enabled the local authority to plan for orphaned or apparently abandoned children but it also weakened parents' rights (Holman, 1988). Where the child was to be cared for by the local authority, the Act supported the use of foster care over institutional care for children who were 'deprived' or 'troubled'. Fostering, it was argued, could offer a comparable experience to that of living with birth families, and the introduction of proper supervision

of the fostered placements, and proper coordination between the agencies concerned with fostered children would ensure that tragedies (such as the death of a fostered child) did not recur. Rather than a former emphasis on long term solutions, such as child rescue, means were beginning to be found to enable children to receive short(er) term help through fostering. Nevertheless, the Children Act 1948 made an important contribution to the shape of post-war child care policy and administration through the changes made to the apparatus of supervision of children in care, and the coordination of agencies involved in health, education and welfare services.

5.5.1 Regulating day care

While the 1948 Children Act shaped the post-war approach to the protection of children and the prevention of cruelty and neglect of children living in domestic households, in many ways extending the provision of local authority services and the spheres of state influence on children and families, a further Act passed that year sought to effect protection for children attending services outside their homes. This was the Nurseries and Child-Minders Act 1948. Up to this point, day care was subject to some surveillance or regulation, through the Infant Life Protection Act 1872 (and as amended in 1897 and 1908). As pointed out earlier, this was primarily concerned with children looked after overnight, but responses to its publication indicated a concern not to infringe the arrangements working women made to have their children 'minded' while they worked. There was a recognition, therefore, of the idea and practise of day care, termed, during this period, 'day nursing' or 'childminding', where children would be left with women for the purposes of daily childcare.

The Maternity and Child Welfare Act 1918 had included permissive measures to enable local authorities to provide day nurseries or to grant aid voluntary societies to do so, following interest from the Board of Education Report (1905), and the successful example set by the Macmillan sisters¹². The debate during the passage of the Act stated

¹²See note 6, this chapter. There had also been earlier pioneers of day nurseries. For example, the Ancoats day nursery in Manchester established in 1851, designed to enable married working mothers to leave

that day care facilities were 'for motherhood and for the care and welfare of the infant population' (House of Commons, 1918: 803). This provision was only taken up in a few, mainly metropolitan, areas (Yudkin, 1967). As with other areas of services for children, the origins of organised day care services for preschool age children can be found in the activities of philanthropy in the 19C (Singer, 1992). Unlike other services, such as residential care, which became incorporated into the statutory sector, day care services were, and continued to be, largely located in the private (largely childminding) and voluntary sectors (largely nurseries, until the advent of playgroups, see Chapter Six). Exceptional conditions during the Second World War led to major, but temporary, public expansion of day care to release women for employment: these were quickly closed when perceived to be no longer needed (Ferguson and Fitzgerald, 1954). In addition, attempts were made during the war years to expand childminding through a grant scheme, but this did not prove very successful (ibid.). Table 5:1 shows the dramatic rise and fall in the numbers of public day nurseries during and after the Second World War, and the growth of registered childminders during the 1950s.

Table 5:1 Nurseries (local authority) and childminders (registered) in selected years before, during and after the Second World War

	1938	1944	1950	1960
Day nurseries	104	1,450	884	477
Childminders	n/a	580 ¹	415	1,531

¹ Refers to 1942.
Sources: Ferguson and Fitzgerald, 1954; Yudkin, 1967.

The Nurseries and Child-Minders Act 1948 reiterated the earlier emphasis on the regulation of 'suitable' premises and persons 'of good character' either operating day nurseries in the private and voluntary sector or minding children in their own homes. The Act had two requirements: registration with the local authority and prosecution in the event of non-registration. There were, in addition, powers to impose various conditions

children in a 'healthful and well conducted nursery' and a nursery in Salford in 1883, designed for local poor children to have physical care and rest. A National Society of Day Nurseries was founded in 1906 aimed at defining standards and encouraging the growth of nurseries (Ferguson and Fitzgerald, 1954, Chapter VI).

such as a limit on the numbers of children, or precautions against the spread of infectious diseases. But in general the Act was easily evaded and prosecutions were rare (Mayall and Petrie, 1983:20)¹³.

The Act intended to regulate, and so standardise, the quality of day care available in the private and voluntary sector. In this sense it was designed to be protective legislation. More preventive measures, which might be derived from public provision of day care were still discretionary. In 1945, the Ministry of Health had made clear that once the exceptional conditions of war (requiring womens' labour) were over there would be a return to the earlier, more limited philosophy on day care. This stated:

'the right policy to pursue would be to positively discourage mothers of children under two from going out to work'.

Ministry of Health, Circular 221/1945.

The policy debate on day care in the post-war era turned on the principle of ideal maternal care, just as the legislation addressing children overall stressed the importance of children remaining in the care of their own families rather than local authority care. The effect of this principle on day care services has been a certain ambivalence about whether the state should provide services, certainly for children of working mothers; the remit of the state is rather with the (albeit limited) regulation of services provided by the private and voluntary sector. Where local authorities did provide day nurseries, these were to improve mothering. The Maternity and Child Welfare Act 1918 had stated that 'any local authority may make such arrangements as may be approved [...] for attending to the health of prospective mothers and nursing mothers and children who have not attained the age of five years and are not being educated in schools' (House of Commons, 1918: 804). In some areas there were more extensive interpretations of the remit of local authorities (for example, to enable employment).

By contrast, in the sphere of early education, some form of nursery schooling was seen as appropriate to young children. The 1943 White Paper, Educational Reconstruction

¹³Even after the Act's later amendment in s.60 of the Health Services and Public Health Act, 1968.

stated

'It is now considered that the self-contained nursery school, which forms a transition from home to school, is the most suitable type of provision for children under five. Such schools are needed in all districts, as even when children come from good homes they can derive much benefit, both educational and physical from attendance at a nursery school. Moreover they are of great value to mothers who go out to work'.

Educational Reconstruction, 1943:25

A distinction is drawn in the legislation, then, between care, which should be provided by mothers, and early education, which is suitably provided by schools. It is interesting to note that the above policy statement incorporates working mothers' needs into the justification for early education, while the department with responsibility for care, the Home Office, rejected the idea of mothers' employment, certainly for those with children under two. When compared to the legislation that governed children in care, the provisions of the Nurseries and Child-Minders Act were minimal, and reflected a minority concern: comparatively few children used the services and those mothers that did send their children ran the risk of transgressing the dominant norms about motherhood (if they were employed, and/or if they were raising children in deprived circumstances).

5.6 Prevention through the provision of services

If the 1948 Children Act shifted policy discussion about children from punishment to care and welfare, the next major piece of legislation affecting children represented a further shift, this time away from children's protection once harm had occurred, and towards the prevention of harm occurring. The Children and Young Persons Act 1963 opened with the statement that:

It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care..... and any provisions made by a local authority... may, if the local authority think fit, include provision for giving assistance in kind or, in exceptional circumstances, by cash.

s.1 Children and Young Persons Act 1963

This statement signified three things: first, that local authorities should make advisory services available; second, that prevention of admission to public care was a key goal of social work with children and families; and third, that the scope of services available to prevent admission to care could be widened, potentially to include material or financial support for families. It also signalled that, rather than the previous legislation where evidence of illtreatment or neglect was necessary to access services, in the new Act the more positive and wide-reaching goal of promoting children's welfare was the basis on which to offer services. Thus, the scope of service provision by children's departments, and, later, SSDs, was greatly extended by the new policy focus on prevention (Packman, 1981).

The concept of prevention emerged as an organising principle of social work during a period in which, Parton argued, the profession 'operated quietly and confidently, in a relatively uncontested way, which reflected a supportive social mandate' (Parton, 1996:45). Holman (1988) argued that the case for prevention as a social work goal was based on several trends in the 1950s. These revealed an increase in the numbers of children in foster care, a steady core of children in public care who remained there over two years and the need to remedy this, the financial cost of local authority care and the vulnerability of foster care placements to breakdown (Holman, 1988:38). Prevention as an aim in social work was about redirecting practice towards halting the use of residential care by using the skills and therapeutic techniques of social work to improve parenting, and by recognising the links between social conditions, such as poverty, and the neglect of children (links made in government reports at the time; e.g., Ingelby, 1960; Younghusband, 1959).

While techniques of prevention greatly increased the numbers of children supervised by local authorities during the 1960s, the numbers of children in public care reduced by only a third compared to the 1950s (Packman, 1981:69). It appeared that strategies of prevention alone could not prevent the need to receive some children into care. But Holman (1988) argued that during this period the meaning of prevention itself shifted. Holman gave various examples: more liaison with other agencies occurred, so child care

officers (social workers) were not seen as the sole agents of prevention; a debate occurred about the relative merits of financial assistance versus casework and therapy, so the scope of prevention widened from avoidance of reception into care to encapsulate concerns with poverty; and the services offered by local authorities diversified, to include, for example, day nursery placements. In fact, the limits of service provision within the scope of prevention was difficult to identify. Billis (1993) argued that the definition of prevention widened to mean 'everything'. Indeed, the next major report, the Seebohm report 1968, further extended the remit of prevention.

The Seebohm Committee began with the 'belief that preventive work with families was of cardinal importance' (Seebohm, 1968:30). Such preventive work should be 'available to all, [and] reach far beyond the discovery of social casualties' (ibid., 1968:2). The report argued that present services fell 'far short of the extent of need' (ibid., 1968:73) and therefore preventive services should help children 'in the context of their families (if they have them), the communities in which they live, or to which they will return and the schools they attend' (ibid., 1968: 189). The focus of policy was now about the state sharing responsibility for children with families. The report stated

'clearly the primary responsibility for their children should and does rest with parents...there are now a variety of circumstances in which different aspects of this responsibility are shared with public services..[there is a] need for a much wider acceptance of the idea of **shared responsibility** and a greater development of **mutual cooperation** between parents and those social services with special responsibility for helping parents with the upbringing of their children. These services should be universal in scope in the sense that they should be readily accessible and available to all families'.

(ibid., 1968:186) (emphasis added).

Seebohm defined preventive work as 'a) building up personal resources so [individuals or families] can better deal with their problems; b) reducing the severity or scale of these difficulties; c) mobilising extra resources over and above those involved in a) and b)' (ibid., 1968: 435).

Despite the re-organisation of local authority welfare services into social services departments to facilitate a preventive (and generic or holistic) approach to service

provision in 1972, it quickly became apparent that there were limitations in a policy based on prevention alone. Holman (1988) argued that prevention as practised in this period was over-optimistic: it failed to prevent long term separations between children and their parents; or to ensure the rehabilitation of children into families where separations occurred; and the return of family poverty suggested preventive services had limited effect on this. Furthermore, the death of a child, Maria Colwell, by a family member, but while under the supervision of the department, contributed to complaints that children were not being protected from illtreatment (Shearer, 1979). The assumption that services children accessed through their parents, and so the assumption that childrens' and parents' interests were congruent, and that this would prevent child abuse occurring, seemed at times over optimistic and perhaps mistaken.

Holman (1988) also argued that there were structural reasons why prevention did not succeed. The effect of the local authority re-organisation was to diffuse child care skills into generic social work teams; and the large size of departments meant complicated managerial systems and hindered communication and coordination, and this was contrary to Seeborn's expectations. In response to an increasing volume of referrals and the pressure to protect individual children, SSDs became more crisis driven (Holman, 1988).

Further problems with prevention were raised by Billis (1993). For example, higher expectations of the services to prevent social ills led to public criticism when they were not fulfilled (Billis, 1993:110). In addition, the use of a prevention policy served to conceal an almost duplicitous relationship between clients and the state. Billis argued that where services were available for all but simultaneously the focus was on early identification of 'at risk' groups, the agenda of potential intervention through child protection measures was rendered invisible (ibid., 1993:111).

5.7 Reassertion of protection - through coordinated action

In the 1970s, a more constrained financial climate and an erosion of the social consensus behind social work provided a context for the rethinking of prevention and renewed

emphasis on protecting individual children. The Maria Colwell Inquiry (DHSS, 1974a) refocused concern on the protection of children from illtreatment. While previously this had been a concern within the parameters of prevention, the more limited and specifiable task of protection appeared a more realistic goal. A policy to manage the problem of non-accidental injury was introduced at the same time (DHSS, 1974b¹⁴).

The theme of coordination of the various health and welfare agencies involved in cases of child abuse was seen as central to the success of child protection policies. This followed the findings of the Tunbridge Wells Study Group, an expert group formed to advise in the wake of the death of Maria Colwell (Hall, 1975:17). It also followed the policy recommendations of previous inquiries and guidance (the Curtis report, 1945; Home Office Circular 157/1950). Coordination was to be achieved through the establishment of local authority-wide high-level committees representing the major statutory agencies such as health, education and social services (Area Review Committees (ARCs, later Area Child Protection Committees (ACPCs).

Future years saw further elaboration of government guidance addressing coordination (e.g., DHSS, 1980; DHSS, 1988; Home Office *et al.*, 1991) and the related concept of cooperation between agencies (e.g., the Children Act 1989, s27; s.47(5)). In addition, the policy recommended two further tools: first, building on work by the NSPCC, each local authority should establish a register of children who had suffered non-accidental injury, and second, also building on previous practice, that a system of multi agency conferences to discuss registration and progress, become standard practice. In 1980, the non-accidental policy was renamed child abuse policy; it was again renamed in 1988, to child protection policy (DHSS, 1980; DHSS, 1988). Such renaming, and a broadening of the behaviours and categories included within the policy, began a process of defining the contemporary understanding of protection.

¹⁴There had been previous government letters (e.g., LASSL (2)70; LASSL (26) 72) raising doctors' awareness of the subject of battered babies.

5.7.1 Protection policy in practice

The initial assumptions underlying the multi-agency child protection policy were that with advice, training and systems of monitoring, child abuse was preventable. The tasks of the first ARCs were to set up and manage such systems, and ensure that no sector of the welfare state was unaware of the signs and symptoms of child abuse, and that all local authorities had efficient systems for the identification and reporting of cases of suspected abuse (DHSS, 1974b). Certain sectors of the medical profession (radiographers and then paediatricians) were responsible for re-establishing child abuse as a significant social problem (Pfohl, 1977). Early studies of cases of abuse assumed it was pathological, and readily recognizable by doctors (Kempe *et al.*, 1962; Griffiths and Moynihan, 1963). This perspective informed policy-makers (Franklin, 1975), and the policy emphasis was on practitioners' identification of signs and symptoms of possible cases of abuse.

Subsequent research has established that there were two main problems with putting the child protection policy into practice. First, a growing body of research disputed the claims of the medical profession that child abuse was readily recognizable or pathological, as it appeared that children whose names appeared on 'at risk' or protection registers were concentrated among socially disadvantaged groups (Creighton, 1992; Bebbington and Miles, 1989). It appeared that identification of children by health and welfare practitioners depended not only the physical signs and symptoms of abuse but also on social factors such as poverty and ethnic origin. Several writers pointed out the lack of universal standards for what constituted abuse, the consequent difficulties with defining abuse, and the relativity of definitions of abuse to cultural standards of parenting (Freeman, 1983; Gelles, 1987; Giovannoni and Beccera, 1979). Child abuse it seemed, was a social fact, but also subject to changing definitions and categories and different thresholds (DoH, 1995a), and this complicated the issue of practitioner identification (an issue as relevant to day care providers as it is to social workers who are more centrally involved in child protection work in this issue - discussed further in Chapters Six and Seven).

The second main problem with implementing the protection policy was that research also showed that multi-agency work was frequently problematic. Dingwall *et al.* (1983) compared the operation of child protection in three local authorities and concluded that the success of bodies such as the ARCs depended in large part on the history and culture of each authority in the sphere of joint working generally. Differing historical events, differing demands on the system, differences of principle and a lack of continuity in personnel led to wide variation in interagency cooperation on child protection policy. Subsequent reports into interagency working in cases of child abuse showed that structures alone, although important, could not reform working practices (Butler-Sloss, 1988)¹⁵¹⁶.

Apart from specific implementation problems, Parton *et al.* (1997) argued that during the 1980s a wider shift in expectations of child protection took place. This resulted in both a new legalistic emphasis in child protection practice and, to provide the evidence for this legal approach, a reliance on the concept of measuring risk. The shift to a legal, evidence based, emphasis was seen as a response to criticisms of child protection practice that social workers had failed to adhere sufficiently to the law in the child abuse inquiry reports such as the case of Jasmine Beckford (London Borough of Brent, 1985). It was also a response to the Cleveland Inquiry which found that social workers (among other health professionals) had been too willing to use the provisions of the law (Place of Safety Orders) (Butler-Sloss, 1988). Parton *et al.* (1997) argued that these criticisms and shifts found expression in the government guidance on child protection in 1988 (DHSS, 1988), which altered the previous terminology of 'prevention of abuse' as the main aim to a multi agency guide to protect children from abuse. This, they argued, was more than a shift in terminology. It represented a clear definition of child abuse as a socio-legal problem which required clear evidence, rather than a medico-social problem which

¹⁵For example, the Cleveland Inquiry reported that between social services and police departments there was a failure to invite key participants to meetings; a lack of a joint strategy for dealing with cases of sexual abuse; disagreement about the value of a particular diagnostic technique favoured by local paediatrician; a loss of trust between the two organisations.

¹⁶Further details of difficulties in multi-agency child protection working are given in Chapter Six.

required therapeutic 'treatment' or preventative services. The central focus of practice was on investigation, identification and the weighing forensic evidence to support legal applications (Parton *et al.*, 1997:32). Furthermore, the practice of social work, as the lead child protection agency, was to be checked by the multi agency approach and the partnership with parents approach. This shift in the understanding of what child protection constituted, from an essentially therapeutic intervention with preventive ambitions (but with the provision to remove children from parental care legally available), to a much more evidence based, multidisciplinary practice where the rights and responsibilities of parents were to be heard and respected constituted the new discourse of child protection and underpinned the next developments in law and policy. The policy aim of multidisciplinary practice is not necessarily borne out in practice, however. Brophy *et al.*'s (1999) study of the use of experts in child care proceedings, for example, showed that social workers and medical professionals rarely work together before the commencement of legal proceedings. Nevertheless, the new discourse also influenced the aims and objectives of the services that supported child protection, such as family centres and local authority day nurseries (discussed further in 6.1.3).

5.8. Protection and prevention: a dual focus in new legislation

If the history of child welfare policy can be characterised as swinging between strategies focusing alternately on protection and prevention, then policy developments in the late 1980s and 1990s can be seen as trying to effect a balanced approach, where child protection is the goal, but in the context of services offering families support in their parenting. Policy developments, chiefly centred around the Children Act 1989, re-emphasised parental responsibility for caring for children; they sought to clarify the grounds for legal and professional intervention in families' lives; and they sought to establish the state as 'helping' parents in a voluntaristic way (DHSS, 1987).

The passing of the Children Act 1989 was the product of unusually consensual policy making and combined the findings of various government reports and public inquiries, as well as relevant research (see below, 5.8.1). The Children Act sought to make child

law more coherent and comprehensive, providing legal remedies applicable to both private and public law applications. The aims of the Act were to: strengthen parenthood with reference to rights and responsibilities; support parents with the provision of certain services; limit the use of courts to those cases where other means of obtaining collaboration or partnership have failed; and provide a coherent legal framework with overarching principles and a menu of court orders available across all jurisdictions (DoH, 1989: 1.4; 1.7; 1.6; 1.1). The Children Act restated and strengthened some existing principles such as the welfare principle, which was given as the paramount consideration in all cases coming before the courts (s.1), and also introduced new concepts and principles to support the aims.

The welfare principle was strengthened by a welfare checklist (s.1 (3)) which enabled the court to ensure the fullest range of information about the child, that the ascertainable views of the child are heard and all options considered (DoH, 1989:1.21). A new concept of 'parental responsibility' was introduced to support the aim of strengthening parenthood. This phrase was designed to 'sum up the collection of rights, duties and authority which a parent has in respect of a child' (ibid., 1.4). Parents were to be supported by the provision of services for certain children (those in need) and their families (s.17) (see below para. 5.8.2 for more discussion of 'in need'). The concept of 'family' was defined in s.17 as 'any person who has parental responsibility for the child and any other person with whom [they] have been living' (s.17 (10)). The Act also introduced a new way of conceptualising children in the public care. No longer to be referred to as 'in care', these children were now 'looked after', in order to emphasise the fact that local authorities were providing a service of accommodation which may well be temporary, not taking over responsibility for children on a long term basis (s.22).

The aim of limiting the use of the courts was supported by the new principle of 'non-intervention', which required the court not to make an order unless this was demonstrably better for the child than making no order at all (s.1(5)), and the principle of avoiding delay (s.1(2)). The Act stated that 'any delay in determining [any question regarding the child's upbringing] is likely to prejudice the welfare of the child' (ibid.). Limiting the use

of the court, would, it was hoped, support the welfare principle by making it incumbent upon applicants positively to demonstrate the benefit of a court order to a child in order to obtain one (DoH, 1989:3.22).

The aim of a coherent legal framework was supported by making all orders available to the courts regardless of whether they originated in public or private law. The menu of orders available was largely familiar from previous legislation (care (s.31) and supervision orders (s.35)) but also included new provisions to address emergency situations such as the child assessment order (s.43) to enable local authority intervention for specific reasons without requiring the removal of a child from its parents and the emergency protection order (s.44) to offer children short term protection from injurious circumstances¹⁷. The new principle of parental responsibility had consequences for the implementation of these new orders. For example, parental responsibility is given to mothers and married fathers and may be acquired by other parties such as unmarried fathers (s.2(4)) and other interested agencies (eg., a guardian) upon application. However, more than one person can have parental responsibility for a child (s.2(5)), and where a care order is in force, the local authority also has parental responsibility for the child (s.33(3)). This means that while parents retain parental responsibility, they are required to share it with the local authority, which, arguably, has the resources to shape the extent to which parents meet their responsibility, but only 'in order to safeguard or promote the child's welfare' (s.33(4)).

The Act also updated the system of regulation of day care services (Part X). A main theme of the Act was that service providers must listen and work in 'partnership' with parents and children, and with other agencies. In this section I will confine discussion of the Act to highlighting its contribution (and that of its background documents) to policy understandings of concepts relevant to child protection in day care: namely, protection, prevention/family support, and partnership.

¹⁷'specific steps' orders (s.8 (1)) designed originally for private law cases and addressing 'contact', 'residence', 'specific issues' and 'prohibited steps', are available, if appropriate, in public law cases.

5.8.1 Refining protection under the Act

The re-evaluation of protection under the Children Act was concerned to provide both the protection of children from harmful incidents and the protection of family privacy against unnecessary and potentially harmful intervention by the state. It thus drew on familiar policy concerns and was informed in the first case by inquiries into child abuse cases where SSDs had neglected to intervene (e.g., Beckford, 1985; Carlile, 1986; Henry, 1986) and in the second case by inquiries where excessive intervention was thought to have taken place (chiefly, the Cleveland inquiry, Butler-Sloss, 1988).

Specific measures to effect the first kind of protection included s.47 which provided a duty to investigate in the cause of safeguarding or promoting a child's welfare. Where a local authority has

'reasonable cause to suspect that a child who lives, or is found, in their area, is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare'.

s.47 The Children Act 1989

After implementing the 'duty to investigate' local authorities could then provide services on a voluntary basis or they could choose a suitable course of action through the courts according to the particular circumstances. Deciding on what constituted 'significant harm' was set out in s.31 as follows:

'A court may only make a care order or supervision order if it is satisfied
(a) that the child concerned is suffering, or is likely to suffer, significant harm;
and
(b) that the harm, or likelihood of harm is attributable to
(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give him; or
(ii) the child's being beyond parental control.'

s.31 (2) The Children Act 1989

'Harm' for the purposes of the Act was further defined as 'ill-treatment or the impairment of health or development' (s.31 (9)) and questions of 'significance' turned on how the child's health or development compared with 'that which could reasonably be expected

of a similar child' (s.31 (10))¹⁸. It will be noted that determining what kind of care is harmful rests, ultimately, on understandings of what is 'reasonable' in the circumstances. Underpinning such understandings are general normative assumptions about care, harm and parenting and these will then figure in debate about a child's welfare before the courts. However, even in cases where the threshold criteria are met, and tested by the court, the court has also to be satisfied under the principle of non intervention (discussed above, 5.8).

The meaning of protection was further refined to this legal definition (and underpinned by normative understandings) when *Working Together* also situated itself within the framework of significant harm as the threshold for intervention. The same criteria of likelihood of significant harm were used to make decisions about whether to place a child's name on the CPR (Home Office *et al.*, 1991: 6.39).

Despite the emphasis in the Act on a dual approach of support and protection, the implementation of the Children Act suggested that the concept of child protection continued to be shaped by the duty to investigate and providing the evidence of significant harm (Aldgate *et al.*, 1994). Aldgate *et al.* argued that a number of factors contributed to this shaping of child protection as investigation. They found that those responsible for implementation of the Act in local authorities misunderstood the extent of their statutory responsibilities beyond investigation and so focused on this; they feared child abuse scandals so concentrated resources on improving investigation rather than extending them to support services; and they were constrained by financial limits and the relative powers of different interest groups making a claim on the Act during implementation (Aldgate *et al.*, 1994:41). Subsequent research findings confirmed that a model of protection as a system focusing on investigations, multi agency conferences and use of the CPR dominated social work practice (Gibbons, *et al.*, 1995b). Subsequent policy changes encouraged a broader outlook as will be seen below.

¹⁸'Health' was defined as physical or mental health and 'development' was defined as physical, intellectual, emotional, social or behavioural development (s.31. (9)).

The threshold of protection under child law, or the grounds for statutory intervention, then, has shifted over time from 'wilful neglect' to 'significant harm'. The assumptions underpinning protection have shifted from reinforcing parental responsibilities to provide materially for their children (in the 1868 legislation) to identifying the circumstances when it would be appropriate for a court to make a protection order in respect of a child, taking into account the child's welfare and the positive benefit of doing so (in the 1989 legislation). The meaning of protection now does not only refer to a child's health and physical welfare, but also refers to the reassertion of parental responsibilities both to protect their own children and for their freedom from intervention by the state. *Working Together* refers to this as a 'proper balance' between avoiding unnecessary intrusion in family life and protecting children at risk of significant harm (Home Office *et al.*, 1991: Preface).

The refined meaning of protection also encompasses a broad definition of possible abuse indicators (or what is being protected, such as broad health and development, in contrast to the early specification of 'food, clothing, medical aid and lodging' in the 1868 Act) but requires clear evidence of significant illtreatment or harm before legal or procedural action will be taken. Further discussion of changes in understandings of protection will be considered in the conclusion to this chapter and in Chapter Six; the next section examines the ideas and assumptions underpinning the evolution of family support in the Children Act.

5. 8. 2 Prevention/family support

In 1984 an emergent pressure group, the Family Rights Group (FRG), argued that since the death of Maria Colwell, SSDs had become increasingly unwilling to take risks in their practice with children and families so that 'the provisions for the few parents who seriously abuse their children are governing the service for the majority who do not' (FRG, 1984). This argument found sympathy in the Short Report 1984 (designed to inquire into the circumstances surrounding children's reception into care) and in the subsequent Interdepartmental Review of Child Care Law 1985 (designed to recommend

ways of simplifying child law). Both reports were concerned that services should be available to, in the words of one, 'help avert unnecessary receptions into care' (the Short Report, 1984:36), and, through their recommendations, prevention was reformulated more positively as family support services. The Review thought the use of a family support power would herald a more imaginative approach (DHSS, 1985a:5.11) to working in partnership with families, rather than in opposition to childrens' parents (ibid., 2.10).

Family support is delivered in the Act through a broad duty for local authorities to promote the upbringing of children by their parents (s.17(1)). However, local authorities only have a duty to provide services for children defined as 'in need'. Children in need are defined in the Act as those children:

- a) (who are) unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without which the provision for him of services by a local authority under this Part;
- b) (whose) health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) (who are) disabled.

s.17 (10) The Children Act 1989

Aldgate *et al.* (1994) argued that the concept of children in need represents a 'fusing of 'prevention' and 'family support' [in which there is] an apparent confidence that need can be agreed, be assessed and measured' (Aldgate *et al.*, 1994:6). In other words, the definition contained in the Act combines the old legislation's concern with preventing family breakdown or reception into local authority care with the new more active concern with promoting family life and enhancing parental responsibilities. Underpinning the concept of children in need is the principle of assessment. It is assumed to be possible to know which children are not 'in need' and therefore which children should have access to services. It also appeared to assume that the category of in need was a fairly static one, that children did not move in and out of 'need', as no indication was given in the legislation about any continuing local authority responsibilities towards children who were at some point in time defined as being 'in need'.

Although the concept of children in need extends local authority duties towards children living with their families, it does so in a way which supports the overall aims of the Act. For example, if the aim is to support and strengthen parenthood, the concept of in need is designed to be invoked when parenting (in terms of a child's health and development) is 'impaired' or inadequate. There is therefore a 'welfare' basis to the concept of 'in need'. Moreover, this 'welfare' base enables local authority interpretations of their definitions of children 'in need' to be restrictive, to be applied in circumstances which are identical or similar to those which would have warranted local authority provision of services under previous legislation¹⁹.

There is an inbuilt ambivalence towards service provision in the Children Act which is clearly demonstrated in the concept of children in need. On the one hand there is an acknowledgement of research findings that 'prevention' or more preferably 'family support' in the form of services for families could do much to reduce the need for more formal proceedings (such as child protection investigation or care proceedings) (e.g., Packman *et al.*, 1986). This would suggest a broad, inclusive definition of the circumstances where services were available. On the other hand, however, the definition of children in need permits but does not prescribe that broad definition, and does nothing to ensure that local authorities will be able or indeed have to provide services that meet the much broader circumstances of need required to offer 'family support'. So the concept of children in need can be said to support and strengthen parenthood only in so far as the children of a family are defined as in need by their local authority.

It may well be that many mothers who would wish for support (for example, with the provision of a day nursery place to enable entry into paid employment or college) will not be able to access such a place through the definition of 'in need' because it is necessary to assess the *child's* health or development to be impaired through the *lack* of

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Aldgate *et al.* (1994:41) conclude from their study of the implementation of s.17 of the Children Act that local authorities still focused on the more limited interpretation of 'prevention' rather than looking forward to offering family support services '*to children in need in the community who have not yet become a responsibility of social services*'.

such a place²⁰. The concept of children in need, then, while appearing to extend the scope of local authority provision of services and support for families, in fact also confirms the 'welfarist' philosophy of the provision of services so that assessment of 'inadequate' parenting (through the 'evidence' of the child's health or development) is still a key feature of the legislation.

Despite the ambivalence in the law, Aldgate *et al.* (1994) argued that in the implementation phase of the Children Act, the provision of family support services was neglected in favour of a focus on formal child protection processes. Effectively, the concept of prevention was given a lesser priority than that of protection. Certainly, national figures for a method of support for families with children under five, sponsorship of children's places in childminders, playgroups and day nurseries, showed no signs of a substantive increase in the three years following implementation (1991 - 1994). Increases were marginal at best, and for childminders even declined over the period, and sponsorship figures declined further subsequent to 1994 (discussed further in Chapter Eight) (DoH, 1998: Table 8). Similarly, neither did publicly funded or supported centre-based provision for children under eight show substantive increase during the implementation period (Cameron, 1997b).

However, the publication of *Messages from Research* (DoH, 1995b) recommended a renewed focus on integrating the support and protection provisions of the Children Act. Rather than a predominant practice focus on investigations, it was suggested that 'early work is viewed as an enquiry to establish whether a child in need might benefit from services' (DoH, 1995b:54). This was supported by government policy advisers who emphasised the links between s.17 family support services and the s.47 duty to make inquiries (Rose, cited in Parton, 1995). Rose further argued in favour of a 'lighter, less bureaucratic touch...[and so] integrate family support services both practically and conceptually more with child protection' (ibid., 1995:11).

²⁰There are exceptions. For example, Dillon and Statham (1998) detail how Manchester City Council interpret the criteria to include enabling 'low income lone parents to work or study' as a point of access to sponsored day care.

The assumptions underlying family support then are derived from ideas about service provision as a preventative strategy. Preventative approaches have been drawn widely and recognised social and economic factors such as poverty, housing and ethnicity as contributing towards a deprived environment for parenting, and linked these with the possibility of child abuse occurring. Family support under the Children Act makes the assumption that service provision related to children will enable families to manage their parenting responsibilities better and without further intervention, and without the break-up of families. It specifies children in need as the key means of access to services, while the services themselves range from family centres, day care services, out of school and befriending services, toddler groups, toy libraries and so on. Guidance further expected that services would be provided by the private and voluntary sectors as well as the public sector (DoH, 1991a: Chapter Three).

From this discussion it is clear that day care services are situated within the framework of preventive or family support services. In Chapter Six I detail the ways in which some day care services have evolved a welfare role (which predate the Children Act) and the potential problems this may herald for those services in the private and voluntary sectors. When day care services are given specific formal child protection responsibilities it is possible to see them as in practice embodying the theoretical integration of support and protection discussed above. Not only do they provide a helping or supporting service, they also have an investigative or coercive role. Discussing trends in welfare services in general, Parton (1995: 12) refers to this integration as effectively 'a double bind - facing two ways at once'.

5.8.3 Partnership

Under the Children Act, the concept of partnership is seen as a method of reinforcing parental responsibilities for children, respecting their rights, and of making professional practice accountable to users of services through listening to them and working with them. It is relevant to the study of day care providers' practice because parent-provider relations form the key social relations upon which day care providers depend for their

successful practice, including any specific welfare role they may adopt. Ideas about working in partnership predate the Children Act, and this section will first discuss meanings of partnership and related ideas, before going on to consider partnership under the Children Act²¹.

5.8.3.1 Conceptual origins of partnership

The different levels or categories of 'partnership' and its related ideas of participation, involvement, and inclusion have been the subject of academic and policy debate (cf. Daines *et al.*, 1990). Some analysts have constructed partnership on a continuum or an escalating series of levels (eg., Arnstein, 1969; Hallett and Stevenson, 1980), ranging from communication to merger in the case of organisational partnership, and manipulation to citizen control in the case of citizens in general. Others have merely distinguished between different types of partnership (eg., Pugh *et al.*, 1987). One origin of the concept of partnership is the concept of social citizenship. This was developed in the context of the welfare state and refers to the idea that individuals have rights, membership and entitlements within their society (Marshall, 1950). Rights include the civil right to equality before the law; the right to equality of participation in the political process; and the right to (some) economic security and welfare and a share in the social heritage of the nation (*ibid.*). Morris (1994) argued that the concept is rooted in the values of individualism and the market economy. In particular, social citizenship 'rests upon the idea of an autonomous individual exercising independence and initiative, and where necessary self-restraint' (Morris, 1994:54).

The concept of social citizenship suggests social inclusion in a society, particularly moral and material inclusion (*ibid.*). It could be argued that partnership, particularly partnership between citizens and agents of the state, is a method of achieving such inclusion. Conversely, Biehal *et al.* (1992) argued that the rhetoric of partnership, particularly that within the legal context of social work, obscures the frequently coercive or involuntary

²¹There is also a history of debate about working in partnership in early childhood services, discussed in Chapter Six.

nature of the relationship between clients (such as parents of children 'at risk') and the agency. Employment of the ideas of inclusion, in other words, can also have the effect of imposing a particular set of conditions upon the relationship between the individual and the state. Partnership does nothing in itself to ensure equality between the parties, but the related aim of increased participation or involvement can be aimed at through strategies such as providing accessible information, and defining the rights of individuals who use services (Biehal *et al.*, 1992).

Daines *et al.* (1990) reviewed the literature on definitions of partnership and concluded that the values of partnership emphasise a sharing of aims, power and decision-making, a sense of trust and respect between the parties, and acknowledgement of the interdependence of skills and a discussion of issues of mutual concern. They cite the definition evolved by Pugh *et al.* (1987) in the context of parental involvement in preschool programmes who state that partnership is a 'working relationship that is characterised by a shared sense of purpose, moral respect, and the willingness to negotiate. This implies a sharing of information, responsibility, skills, decision-making and accountability'. The Family Rights Group (1991) also argued that sharing information was key to working in partnership with parents. It is also, they argued, about respect, role divisions, and accountability.

Adcock (1991), writing from a perspective informed by therapeutic and permanency planning work with families of abused children, argued that partnership meant involving 'parents in goal setting and the development of a contractual set of expectations', it was about 'helping parents retain their responsibility'. (Adcock, 1991:75). This interpretation of partnership is not so much about equality of partners as about being clear about processes involved in working together for a successful outcome to a child's welfare, where agency clearly rested with professional expertise.

This debate raises questions about how these definitions and values of partnership, and the related aims of participation or involvement, are translated into policy and practice in the Children Act 1989 and its Guidance.

5.8.3.2 Parents in 'partnership' under the Children Act

The concept of partnership is a key theme in guidance to the Children Act 1989 (DoH, 1991b) and in *Working Together*. The basis for this form of partnership in the Children Act is established by removing certain powers of the local authority under previous legislation, such as a power to assume parental rights (Child Care Act 1980, s.3) and a requirement that parents give notice of their intention to remove children from local authority care when they have been in residence for more than six months (Child Care Act 1980, s.13). It is also established by giving a greater significance to the wishes and feelings of the child, and the parents or someone who has parental responsibility for the child (Children Act 1989, s.20 (6); s.22 (4)). While the discussion of partnership mostly centres on the provision of accommodation for children, the messages of the Act and guidance apply equally to the request for other services, such as day care or other forms of family support (Thoburn and Lewis, 1992).

Under the Children Act local authority accommodation may be provided, but not if any person with parental responsibility for the child and who is '*willing and able*' to arrange accommodation objects to the local authority's plans (s.20. (7)). In addition, the accommodation provided should be near to the child's home, and should be able to accommodate siblings together (s.23. (7)). Guidance elaborates on the Act's intention in the provision of accommodation:

'the Act intends accommodation to be provided as a service under voluntary arrangements which parents with a child in need may seek to take up so long as it is in the best interests of the child'.

DoH, 1991b:2.24

It goes on to say that 'the Act assumes a high degree of co-operation between parents and local authorities in negotiating and agreeing what form of accommodation can be offered' (DoH, 1991b:2.25) and 'in every voluntary arrangement the service should be based on a voluntary decision by the parents to take up an appropriate service on offer and **continuing parental participation in and agreement to the arrangements for the child**' (DoH, 1991b: 2.26) (emphasis added).

Thus, the intention is that accommodation should best be seen as a **service** that may or may not be taken up by parents, and that if they choose to take it up, it should be provided in such a way as to promote their continued involvement. The nature of that voluntary arrangement, guidance continues, should be one of 'partnership with the child's family so as to ...build upon the family's strengths and minimise any weaknesses' (DoH, 1991b:2.27). This arrangement should be under regular review, and 'should not prevent a continuing assessment of any risk to the child' (ibid). If necessary, 'child protection procedures should be brought into play immediately' (ibid). Hence there is a principle of partnership, but an acknowledgement that a decision about child protection may in certain circumstances shift, or at least alter, the balance of that principle²².

Guidance states that 'partnership requires informed participation.. parents and child must be consulted during the decision making process and notified of the outcome (and) where possible children should participate in decision making about their future well being...subject only to (their) understanding... at every stage' (DoH, 1991b:2.28). The intention is that the service of accommodation should not enable the local authority to wrest control over the child's life away from the parents.

Guidance points out that there will be cases where the local authority has to decide whether a voluntary arrangement will best promote the child's welfare but 'in the majority of cases local authorities will be able to agree on an arrangement that will best provide for the needs of the child and safeguard and promote his (sic) welfare' (DoH, 1991b:2.30). Guidance states that the way in which initial agreement is obtained is important to the success of the ongoing plan. Lack of cooperation by parents, or inconsistency, either at the outset, or developing later, should indicate the need to consider whether court orders are appropriate. Seeking a voluntary arrangement with

²²The *Challenge of Partnership* (DoH, 1995c) emphasises that even when statutory measures are taken by the local authority, a 'partnership with parents' approach should be adopted from the outset, as this is seen to enhance the effectiveness of the intervention, and families perceive it as beneficial. In addition, some techniques of work, such as concurrent planning, which identify two alternative plans for children simultaneously, could be said to work in 'partnership' in that they make the possibility of a partnership/collaborative approach failing transparent from the outset and engage parents in both options.

parents should always be the first priority (ibid).

The position and role of parents/mothers in relation to the local authority and so the nature or potential of the partnership requires some consideration. There is a deliberate attempt to remove any implication of parental shortcomings in parents' requests for local authority services, including accommodation. There is a presumption, in the detail given above, that agreement between social services and parents about the purpose and use of services will be possible, except in the most severe circumstances. Even in these cases it should be attempted (DoH, 1995c). Such a presumption is based on an implicit assumption that there will be basic agreement on the child's interests and both the local authority and the parents will be working towards similar ends. However, there is some evidence that parents and local authorities do not necessarily agree on the child's best interests (e.g., Butler-Sloss, 1988). Moreover, the principle of non-intervention outlined above, and the confrontive tone (between the parents and the local authority) that found expression in the Cleveland Report similarly suggest that a presumption of consensus between the parties about the child's best interests would be mistaken.

Thus 'partnership' between parents and local authorities can be seen as a less than straightforward concept. Even if, as the Family Rights Group (1991) argued, that equality of power between partners is less important than sharing of information and accountability, partnership depends on agreement about the nature of the circumstances or concerns that give rise to a request for services under Part III of the Act. Such agreement may be readily available in some situations, such as respite care for a physically disabled child. However, the perspectives of local authority and parent could differ markedly in other circumstances, such as a parental request for a service of accommodation, and a local authority's suspicion of child abuse as the precursor to the request.

Adcock (1991) argued that under the Act there are two types of partnership, dependent on the evidence of abuse, the legal status of the child, and the scope for local authority action. In the first type of partnership, where services are provided on a voluntary basis,

parents have considerably more freedom as partners, than in the second type, where partnership in effect refers to working to the local authority's definition of the problem to be addressed, and to which parents may or may not concur.

Even in cases where it is agreed that child protection is the focus of concern, Thoburn and Lewis (1992) argued that 'working in partnership with parents in the early stages of child protection cases is not easy, even when the agency and individual workers are making serious attempts to do so. However,...the effort is worth making' (1992:61).

The *Challenge of Partnership*, however, reinvigorated the policy commitment to the principle of working in partnership with parents (DoH, 1995c). This document recognises the 'complexities' of working in this way and it pointed out that 'partnership may be possible at one point but it may subsequently cease to be a reality because of changes to a family's circumstances or because of shifting levels of trust between families and professionals' (DoH, 1995c:2.8). Nevertheless, the emphasis of the document is on developing a holistic commitment to the principle of 'partnership', so that various organs of the child protection system, such as the Area Child Protection Committee (ACPC) and the local authority social services department both support and ensure the effectiveness of such a policy²³.

The continuing policy emphasis on partnership refers in practice to a principle of involvement in decisions taken about their children wherever and whenever possible. In some documents, in fact, 'partnership' and 'involvement' are seen as interchangeable terms (eg., DES, 1990; *Working Together*, 6.11). It rarely extends to wider ideas of participation in decision making about how services such as child protection or day care are delivered (although widening the scope of parental involvement may be a key theme in some family centres, 6.1.3). However, the assumptions underlying partnership rest on ideas of inclusion and encouraging personal, parental responsibility on a basis of shared goals, while also, perhaps unintentionally, providing a framework for a professional

²³Research since the Children Act on parental involvement in legal proceedings also suggests that 'partnership' with parents is inherently problematic (Brophy and Bates, 1998).

judgement of parenting and where, ultimately, formal child protection procedures can be invoked.

5.9 Conclusion

This chapter has surveyed legislation and policy between 1868 and 1989 in order to provide an analysis of the evolution of two central concepts in the interface of child protection and day care: protection and prevention. These concepts evolved with reference to both normative assumptions about the privacy of family life, and that of motherhood; and with reference to public debates in child welfare such as that 'families are best for children'. The main objective of 'policy' was to ensure that the privacy of family life was upheld while at the same time enabling the identification of certain groups of children.

Longstanding principles of child welfare have been retained throughout the period: a belief in the child's family as the natural and best place for child rearing; the use of the 'welfare principle' or 'the child's best interests' as a key determinant of legal intervention that overrides the inviolable status of the family; and the use of regulation of 'premises' and 'persons' as a measure of standardisation in day care services provided in the private and voluntary sectors. Nevertheless, important shifts have taken place in the understanding and scope of protection and prevention.

The idea of child protection found a legitimacy during the 19C when ideas of the child as innocent, a special category apart from adults, characterised by dependency and immaturity, became prevalent. Child protection came to mean finding ways of regulating the environment in which children grow up (such as the Infant Life Protection Act 1872); opening up children's lives for surveillance of their health and welfare (through schools and health services); and prescribing the circumstances where neglect or illtreatment of children warranted their removal from parents (through successive Children (and Young Person) Acts). Eventually, under the Children Act 1989, protection came to be seen as both protecting children from harm by their parents, **and** protecting families from

unnecessarily intrusive professional practice on behalf of the welfare state. Protection also developed a procedural meaning. The advent of protection policies came to mean a formal investigation procedure characterised by a concerted approach to interagency working (*Working Together*, 1.8), involving a range of health and welfare agencies, and centring on identification, evidence gathering, planning and possibly prosecution.

The meaning of prevention, on the other hand, has been much more consistently identified with the provision of services to ameliorate broad social circumstances where a child, without the services, would be vulnerable to family break-up or abuse. The NSPCC first established preventive services, although these were at first more concerned with prosecution of parents than with helping families. More general health and welfare services such as education and health visiting offered a level of prevention of deterioration of overall health (for instance, through school based meals and health checks). A much broader definition of prevention, entailing a recognition of economic as well as social circumstances as leading to child abuse evolved in the 1960s.

Family support, the new interpretation of prevention, makes few claims to ameliorate the effects of, for example, poverty and poor housing. Instead, it focuses on parenting skills and resources, with a new emphasis on parental responsibilities, their involvement in decision making and accountability to parents for local authority decision making (as well as the welfare of the child and respect for their wishes and feelings). However, a gap between policy and practice was documented during the implementation of the Children Act, with a lower priority accorded to development of family support services when compared to child protection (Audit Commission, 1994); a gap referred to by Aldgate *et al.* (1994) as arising from a 'fundamental misunderstanding' about their statutory responsibilities.

The historical analysis has pointed out not just changes in the scope of key terms in child welfare, but has located these within a framework of normative assumptions or predominant ideologies. These are principally two: the ideology of the family, characterised by privacy, paternal authority, and 'male breadwinner/female homemaker'

patterns of labour; and the emergent ideology of motherhood, characterised by the ideal availability of full-time mothers, whose proper role was to raise healthy citizens and provide a comfortable home, and whose employment outside the home was discouraged, certainly for very young children.

These ideologies have not only shaped patterns of employment and domestic labour, they have also provided reference points for policy debates about such matters as the provision of early childhood services (such as day nurseries, and nursery schools). In addition, the beliefs about womens' roles and employment patterns inherent in these ideological frameworks provided a context for the emergence of beliefs and ideas about using day care services such as childminding and day nurseries. The process of legitimation of use of the services provided places for children who, in the context of the dominant ideologies, were deprived either through material circumstances, or through mothers' lack of full-time availability at home. These beliefs and ideas about using and providing day care services will be explored in Chapters Six and Seven

The analysis of the historical development of child welfare policy shows an alternating prominence given to concepts of protection and prevention. The Children Act 1989 sought a balanced approach, incorporating both protection and support. Evidence from implementation suggests that achieving this in practice was difficult and most recent policy initiatives have reinforced the Children Act's aims of balance through the idea of a continuum of protection and support services. This has, or may have, particular implications for independent day care providers, as I document in the next Chapter.

CHAPTER SIX

DAY CARE AS A SITE OF PROTECTION

6.1 Day care and its place in the Children Act and *Working Together*

The Children Act 1989, implemented in 1991, began a new era for day care services. The major provisions in the Act for day care services were to update the system of regulation (Part X); to give local authorities a general duty to provide day care services for children who are in need and their families, and specifically family centres (s.17, Part III; Schedule 2); and a duty to review day care services on a triennial basis (s.19). Further powers permitted the provision of services for children not in need (s.18) and emphasised the role of support services such as training, guidance and counselling (s.18).

Guidance (DoH, 1991a) interpreted these provisions in some detail, and an emphasis was placed on local authorities' roles as coordinators of services, improving information and efficiency, and 'in particular taking full account of the potential of the private and voluntary sectors' (DoH, 1991a:1.6). The intention of policy was clearly that day care services were an important part of family support services, and that this was the case across the public, private and voluntary sectors. Furthermore, child protection policy (*Working Together*), issued at the same time as Guidance, gave details of the role of day care providers in identifying, reporting and monitoring cases of suspected child abuse.

The policy stated that

'Day nurseries, playgroups, out of school clubs and holiday schemes, and childminders, are likely to have an important part to play in helping parents under stress to cope with their children's behaviour, to support them and give them a respite and thus prevent abuse. Local authorities will wish to ensure that all those providing such services and childminders are informed about what to do if they are concerned about a child. This should involve awareness training so that staff can recognise at an early stage the signs and behaviour which are a cause for concern. Day care providers in the private and voluntary sectors must have agreed procedures for contacting the local authority social services department about an individual child. In all cases the decision to contact the social services department should be made by a senior member of staff, normally the officer in charge or his or her deputy. Local authority provision will have its own procedures'.

'Day care services and those provided by childminders are also crucial services for children who are at risk. By helping children directly and by monitoring their care at home, these services may be essential in helping a family remain together. Many local authority managed day nurseries have considerable experience of working with families where a child is in need of protection and some authorities have developed sponsored or salaried childminding schemes for them. Out of school services are generally less well developed across the country as a whole, but nevertheless some have been used for children in need of protection. It is important that people working in day care services or as childminders are properly supported and are enabled to contribute to child protection procedures and to the work of ACPCs where appropriate'.

(*Working Together* Home Office *et al.*, 1991: 4.41; 4.42)

This chapter will provide an analysis of the general welfare and specific protection roles that have been ascribed to, and adopted by, day care services. In order to do so, I will examine the structural contexts of day care services, examining in particular the position of the workforce in private and voluntary sector services; and I will explore the sources of evidence for these welfare and protection roles. The chapter will identify and bring out key themes such as partnership with parents; relative perceptions of abuse; and differential participation in the child protection system.

The aim of the chapter is to explore how general day care services for young children have become an integral part of the system designed to address child protection and welfare concerns. I shall argue that as a consequence of the Children Act, and through the guidance *Working Together*, general day care services have been allocated a much more formal role in the child protective welfare services, firstly, without consideration of the impact on such services and, secondly, without an attempt to consider the ethos, structure and remit of day care facilities with the responsibilities and demands of the child protection system.

6.1.1 'Policy' for day care

Randall (1995:332) noted that it is only with hindsight that it is possible to construct a policy for day care services, such are the disparate sources of government comment on the role and purpose of care and education services for preschool aged children. In the period since 1997, this may be changing, as the government wishes to inaugurate a

National Childcare Strategy (DfEE, 1998). But, as Statham *et al.* (1999) noted, by mid-1998 there were over 30 policy initiatives relevant to day care emanating from different government departments, suggesting a continuing lack of central coordination of, or at least consensus about, the purpose of day care services. Nevertheless, it is possible to trace patterns in public policy for day care over time.

The public provision of day care services has never been extensive in Britain, certainly compared to some other European countries. For example, Moss (1996) noted that while in Britain around 2% of 0 - 3 year old children received a publicly funded day care place, 48% of Danish children of the same age attended a similar service (Moss, 1996: Table 6). However, there has been a long history of private childminders in Britain, particularly in areas where mothers were employed outside the home, such as Cheshire and Lancashire (Ferguson and Fitzgerald, 1954; Roberts, 1986), and of public and voluntary sector day nurseries, particularly in areas of social disadvantage where there were concerns about children's healthy development (Ferguson and Fitzgerald, 1954).

As reported in Chapter Five, an opportunity to develop public day care occurred during both the First and Second World Wars, related to married womens' labour for the war efforts (Ferguson and Fitzgerald, 1954: 177; 188 - 191), but was not capitalised on in the proceeding years, when maternal responsibilities were reasserted (*ibid.*; Riley, 1983). Policy addressing these services was, and continued to be, somewhat residual: it was confined to regulation of services in the private sector, and a discretionary ability to provide services that was taken up with varying commitment by local authorities (Yudkin, 1967).

The policy environment for day care was constrained by predominant ideological frameworks emphasising maternal care and parental responsibility for children (and also informed by financial constraints). In this context, three purposes can be discerned for day care. The first is a social welfare role. As noted in Chapter Five, early day nurseries were considered a method of improving childrens' health, and improving deficient mothering in socially disadvantaged areas. This resulted, eventually, in an uneven

distribution of day care and early education services (Owen and Moss, 1989).

In 1945, government policy stated that publicly funded places would only be available where mothers were constrained into having to go out to work, where the conditions of the home were unsatisfactorily unhealthy, or where mothers were 'incapable for some good reason' (MoH, 1945). This can be seen as a further example of a welfare based policy which emphasised the mothers' proper role as full-time carer for young children, but where there was recognition of a residual for the state in exceptional circumstances.

The Ministry of Health elaborated on this policy in a subsequent Circular in 1968. The criteria for access to public day care places were for children:

- living with only one parent who has no option but to go out to work and who cannot arrange for the child to be looked after satisfactorily;
- whose mothers are ill and need temporary day care;
- whose mothers are unable to look after them adequately because they are incapable of giving young children the care they need;
- for whom day care might prevent the breakdown of the mother or the break-up of the family;
- whose home conditions constitute a hazard to their health and welfare;
- whose health and welfare are seriously affected by a lack of opportunity to play with others.

Ministry of Health, Circular 37/1968

The criteria were mostly concerned with the mother's capabilities, situation and needs, apart from the last two which identified children's health and welfare and opportunities to play as reasons for children to have free day care places. This policy held until the Children Act 1989 expanded and made more specific the welfare role of day care. The new emphasis was on the child's needs: access to publicly funded day care places was on the basis of the definition of children in need in s.17(10) of the Act as outlined in the last chapter (5.8.2). Cameron and Moss (1995) argued that by including day care services within an essentially welfarist piece of legislation, the effect was one of reinforcing the selective, welfare basis of day care provision.

A second purpose of day care services is to provide a resource for working mothers. In contrast to the universalist, consensual policies aimed at encouraging gender and labour

market equality adopted in other European countries (Moss, 1996), public policy addressing the needs of working mothers/parents in Britain has remained ambivalent. As noted above, public policy to encourage married women to work occurred in wartime, but was discouraged afterwards. Levels of maternal employment began to rise steadily during the 1950s and 1960s, but predominantly this was in part-time work fitted around childrearing responsibilities (Crompton, 1997:31). As noted in Chapter One (para. 1.3), it was not until the 1980s that married womens' full-time employment began to rise substantially, creating a demand for day care services that the private sector began to meet, although a gap between supply and demand still existed (Crompton, 1997; Day Care Trust, 1997:1). Despite widespread pressure from employers and interest groups, government policy documents addressing the supply of day care to meet the needs of working parents only emerged after the 1997 election (Cohen in Moss, 1996; DfEE, 1998)¹.

The third purpose of day care services is intrinsic to the child itself - to provide early learning experiences prior to beginning school. Nursery education has a long history that parallels that of day care. However, in contrast to day care, the merits of distinctive preschool education were accepted by the public authorities in the early part of the 20C and local education authorities slowly developed nursery schools and classes². By 1938 there were 118 nursery schools serving over 9000 children and nearly 170,000 children under five attending public elementary schools, or about ten per cent of the age group (Ferguson and Fitzgerald, 1954:178).

Tizard, Moss and Perry (1976) argued that the history of preschool education is marked by defining moments which, despite government rhetoric³, have never resulted in the hoped for expansion of public preschool education. But because of the development of

¹The previous government introduced two schemes: a nursery voucher scheme to expand choice for four year olds (later abolished); and a child care subsidy scheme (later reformed and expanded). See note 25, this chapter.

²The Education Act 1918 empowered local education authorities to establish nursery schools or nursery classes in public elementary schools, and to aid voluntary nursery schools.

³Such as that following the Plowden report in 1967 calling for a part-time nursery place for all three and four year old children whose parents wanted one.

nursery schooling (however incomplete), the educational element of day care was never given much emphasis. There are few examples of attempts to combine education and day care. One is the playgroup movement under the auspices of the PPA (and now the PLA: further discussed in 6.2.2). A second is the development of a few local authority centres combining day care and early education services under one roof (known as combined centres; Ferri, *et al.*, 1981).

A third attempt to combine education and care is a government sponsored voucher scheme to extend formal preschool education into day nurseries and playgroups (Oral Statement, 6 July 1995), which, under the 1997 Labour government, was adjusted to a system of grants to all care and education services offering places for four year olds. Under both schemes, services had to show they met educational criteria laid down in a curriculum document (Desirable Learning Outcomes, SCAA, 1996). However, throughout the period, government policy continued to emphasise parents' responsibilities for day care. For example, in a Consultation Paper issued in September 1996, the Department for Education and Employment stated 'It is not Government's job to look after children - except of course where there is real need. That is properly parents' responsibility' (DfEE, 1996b). The emphasis of this was altered by the new government in 1998 to: 'Parents will always have the primary responsibility for the care and well-being of their children...But it is the Government's responsibility to ensure that parents have access to services to enable them to make genuine choices' (DfEE, 1998a:ES7).

Policy for day care has shifted from being barely visible apart from minimal regulation conditions and local initiatives to supply day care, usually on welfare grounds, but sometimes additionally on grounds of lone parenting and employment, to a new emphasis in the Children Act on better regulation and coordination of services and more widespread, child's needs-led provision, along with some interest in providing early education (through vouchers). The post-1997 Labour Government has made clear their interest in day care and early education, and, according to Statham *et al.*'s (1999) analysis, the direction of policy is towards improving the supply of child care for working parents in order to further expand mothers' employment, along with an expansion of

nursery education (now defined as available wherever a preschool service, including a day nursery or playgroup/preschool, meets an OFSTED inspection of their curriculum). It is argued that policy for the welfare day care child, by contrast, is in danger of being neglected (Statham *et al.*, 1999).

The normative assumptions underpinning motherhood, mother-care and mothers' employment have legitimised the use of day care services in different circumstances: the welfare service being available for children with particular social and emotional conditions and needs. Van der Eyken (1984: 4.70) showed that pressure on places in public day care services in the 1970s and 1980s meant that families had to demonstrate multiple social and behavioural reasons for a child to access a publicly funded place, suggesting that these nurseries were (and are) attended by children whose care does not conform to idealised mother care. The full-day care nursery service has only recently become available to mothers who work outside the home: despite the dramatic increase in full day care places, relatives still provide a substantial proportion of regular care for children while mothers work (Meltzer, 1994, see Table 6:2, below).

Using the full-day care service represents a compromise on the normative assumption of home-based mother-care. Uttal (1996) argued that mothers employed micro-ideologies in their use of day care services in order to accommodate the apparent discordance between the predominant ideology of caring for one's children oneself and the reality of employment outside the home. Using part-time preschool education services does fit with the predominant ideology of mother care which may account for the rapid development of the playgroup movement (see 6.2.2). The compartmentalisation of day care into largely different constituencies reflects a continuing lack of consensus that day care, particularly that in group settings, can be *beneficial* for all children in their own right⁴.

⁴There has, in addition, been research which suggests that day care is *bad* for children (e.g., Belsky, 1986; Belsky and Rovine, 1988).

6.1.2 Prevalence of day care services

By the mid-1970s day care was well established, but not widely available, as a service for families with young children. In terms of the numbers of children attending, early childhood services were a minority service. Table 6.1. shows that in 1977, most children did not receive any day care or early education service.

Table 6.1 Percentage of children under five receiving and not receiving a day care or preschool service

1977 %	Public sector		Private and voluntary sector		No service, or unregistered service	
	Nursery Education	15	Playgroups	18.5	Nanny	n/a
	Day Nurseries	1	Childminders	3	Relatives *	n/a
	Placed and paid for	n/a	Day nurseries	0.8	Unregistered Childminder	n/a
Totals		16		22		62

Source: Mayall and Petrie, 1983:27

A further study of the usage of day care services suggested that over the next decade many more children began to receive a service. Meltzer (1994) analyzed care and education services used by 3243 preschool aged children in 1990 and found that 58% of children under five attended some kind of preschool service, ranging from 14% of children aged under one to 96% of four year-olds. Table 6.2 shows the percentages of children receiving regular day care in different types of early childhood services, and from relatives, in Meltzer's study.

Table 6.2 Percentages of children in formal day care services; receiving regular day care from relatives; and informal care services

1990	Percentage of children under five
Day nurseries	8
Childminders	6
Playgroups	21
Nursery school or class	15
Father	21
Grandparent	23
Nanny, mother's help, au pair	3
Toddler group	21
Friends and neighbours, siblings, other relatives	14

Source: Meltzer, 1994:Table 1.

Note. Numbers may not add up to 100. Some children may use more than one source of care or education leading to double counting.

By the early 1990s, then, most children attended a day care service. The type of service providing the most places was voluntary sector playgroups (Bull *et al.*, 1994a) (although evidence indicates there has been a more recent increase in nursery education places (DfEE, 1999; and Chapter One, Table 1:1).

6.1.3 Day nurseries and family centres - their role in welfare and child protection

Day nurseries and family centres run by local authorities and large voluntary organisations have made an important contribution to an understanding of the role of early childhood services in welfare and protection. Through a historical focus on physical health and through policies of prioritisation on the basis of welfare need (see 6.1.1 above), public day nurseries became increasingly focused on providing a remedial service for children in difficulties, although some local exceptions, offering a general service, remained (Van der Eyken, 1984). Recognition of the child as a member of a family led to a widening of objectives to include parenting and supporting families⁵. This in turn

⁵Some day nurseries also widened their objectives to include early education following s.26, Education Act 1980 (Van der Eyken, 1984)

spurred the development of family centres (Ferri and Saunders, 1991). The main objective of these centres was (and, arguably, is still) a preventive approach based on supporting families through attention to practical help, improving relationships and parenting skills, although there are many variations in approach (Birchall, 1982).

The role of the large voluntary organisations (such as the Children's Society, Barnados', Save the Children, National Children's Home and NSPCC) in providing services for children and families has often been as a ground for innovative methods of working (Ferri, 1997). As a result various methods of working have evolved, some of which have been adopted generally. For example, as noted in 1.4.2, family centres developed by Barnados' are run on a community development model (ibid.,) others may be run on a therapeutic or self-help model (DoH, 1991a). Different models put more or less emphasis on different combinations of services or facilities (such as counselling, family therapy, group work, skills training, toy libraries), although an element of day care for young children has survived. However, Smith's study of Children's Society centres found that regardless of the working model and the route of access, people using family centres tend to live in difficult social and economic circumstances (Smith, 1996).

These nurseries and family centres (530 nurseries and 480 family centres run by local authorities, compared to 5500 independent day nurseries, (DoH, 1998)), offer a service to a largely different group of children than that offered by playgroups, childminders and independent day nurseries (see 6.2 below). The most common qualification held by managers of family centres is a social work qualification, compared to the NNEB for their counterparts in public day nurseries (41% and 82% respectively, LGMB, 1999). However, as outlined in 2.4.2, compared with public day nurseries, many more staff in family centres have no relevant qualification (17% of day nursery, and 35% of family centre, staff (ibid.)). This may reflect both the welfare and the innovative traditions of family centres, and the welfare and physical care oriented tradition of nurseries.

Van der Eyken noted that, by 1984, changes in the intake of public day nurseries had resulted in such facilities operating 'far more as a specialised social service resource for

'at risk' families known to social services and far less as a day care resource for the general community' (Van der Eyken, 1984:55). Nurseries became places not only for children abused or at risk, but for children with specific health problems: multiple reasons for admission were needed to secure a place, and 'involving a heavy staff commitment to the entire family' (ibid. 1984:86).

One element of changing staff roles in public day care was the introduction of contracts between parents and the nurseries that stipulated days of attendance and consequences of nonattendance. Van der Eyken argued that this practice effectively recognised parental responsibility and placed the staff in a new relationship to parents: 'instead of perceiving the day nursery as a service to be used by parents, a placement within a nursery may take on the role of an 'intervention strategy'... whose outcome is to be monitored' (ibid. 1984:53). It will be argued later (7.3) that this change of role also potentially occurs in private and voluntary sector day care services when the child protection system requires providers to judge and monitor parents and children.

A more recent observation study of four public nurseries (Penn, 1997) confirmed their presence in highly disadvantaged areas, with many children attending through referrals by social workers. Many of these children had difficulties with speech or other kinds of delayed development, creating a particular social mix in the nursery that staff perceived as difficult (ibid. 1997: 51). In addition, as noted in 2.4.4., McGuire and Richman (1986) found that children who attended public day nurseries had a greater extent and degree of behaviour and emotional difficulties than children attending other types of preschool services, such as playgroups and nursery education.

A number of factors derived from research studies suggest that public day nurseries and family centres have a greater degree of experience with children and families in social and economic need. These include their historical traditions; policy documents and routes of admission to services; the qualification background of staff; and characteristics of the intake of children in both services, all these factors suggest that these services offer a specialist resource.

This shift towards specialist services is outlined by Warren (1990), who surveyed 370 family centres and concluded that 'most family centres serve as a function of the local authority's apparatus for child protection, where investigation and assessment are the main objectives' (quoted in Cannan, 1992:34). About half the centres provided day care, but this tended to be seen as fulfilling parentcraft or assessment goals rather than being child-centred. Cannan (1992) concluded that when viewed from a welfare perspective, family centres tend to be welcomed as offering opportunities for innovative methods such as specialism in family therapy, and greater use of informal services for children and families in need. However, when the rise of the family centre is viewed from a day care perspective, emphasising widely accessible services, the use of family centres for a narrow band of highly disadvantaged children is seen as a regressive step, involving as it did the conversion of day nurseries into more specialist resources, rather than opening them up to a broader group of children.

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Although it would appear that these services have become heavily immersed in the discourse of child protection - albeit currently represented as family support - what is unclear from the literature on public day nurseries and family centres is the extent to which their workers were involved in specific aspects of the child protection system, such as notification of suspected cases of abuse, attending child protection conferences or being party to child protection investigations on their premises. Nor do studies comment on the views and experiences of staff members in this area of work. Mention is made of monitoring activity through contracts and attendance (Van der Eyken, 1984) and checking on children (Smith, 1996; Penn, 1997). Checking on children included noting their attendance, and any injuries they arrived with or sustained while at the nursery (Penn, 1997:89), and 'regarded as absolutely necessary for a child who had been abused'. If the information gained is passed on, this suggests a degree of multiagency working for the purposes of child protection plans and a degree of familiarity with the practise of recording and judging relevant information.

Despite the lack of specific information, the general child welfare and specific child

protection roles of family centres and public day nurseries seem comparatively well developed over time and are seen by service providers as part of the remit of their work with children and families. A rather different picture emerges when we turn to the position of independent, general day care services in the next section.

6.2 Structural contexts of day care services

6.2.1 Childminders

Being a childminder was an accepted tradition in areas of high female employment during the 19C. In some areas, it was 'one of the most profitable jobs a women could do in her own home' (Roberts, 1986:234). But taking a child to a childminder has incurred social disapproval or worse. For example, Davin pointed out that 'taking an infant to the minder in the cold early morning before clocking in at the mill' was considered evidence of maternal irresponsibility by the turn of the 20C (Davin, 1978:14). However, childminders continued to grow in numbers throughout the 20C and still constitute the main full-day care service in Britain (DoH, 1998).

6.2.1.1 Profile of childminders

A new study of childminders as an occupational group is underway (Mooney and Moss). However, two studies (Mayall and Petrie, 1983; Moss *et al.*, 1995) describe some characteristics of childminders, set out in Table 6.3.

Table 6.3 Characteristics of childminders

%	Female	Age ¹	Motherhood status	Own children under five years	Duration in post		Relevant Qualification ²
					under five years	over five years	
Mayall and Petrie	100	35-44	99	36	51	49	n/a
Moss <i>et al.</i>	99	35 - 44	99	36	58	42	30

¹percentage of older women: Mayall and Petrie found 10% aged 51 years and over; Moss *et al.* found 18% aged 45 plus.

²where qualifications were held, these were nursery nursing (7%); playgroup training (14%); teaching (6%); nursing (2%); NVQ levels 2/3 (1%). A few of the minders in the Mayall and Petrie study had attended a local authority provided short childminder training course.

Table 6:3 shows that nearly all childminders are women. In addition, Moss *et al.* found that nearly all childminders are ethnically 'white' (91%). A distinction needs to be made between childcare qualifications among childminders, and childminder training. Ferri's (1992) study of 30 childminders showed that most (22) had undertaken a short preparation course provided by the local authority. Indeed, the advent of the Children Act 1989 placed new emphasis on training and preparation courses which are now part of the registration procedure in many local authorities (Moss, 1997), and in some areas childminders may be able to access specialist courses aimed at, for example, working with children in need (Dillon and Statham, 1998).

6.2.1.2 Type of service

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Most childminders offer a full-year, full-week service, offering flexible hours around school opening times (Moss *et al.*, 1995). However, a significant minority see themselves as part-time (40%). They typically care for 2 children at a time, and 63% of childminders in the Moss *et al.* study offered care for children under two years of age. A third reported having vacancies at the time of the study. Some childminders had experience of looking after children placed by local authority officers (24%). Nationally, this welfare role for childminders has accounted for a small minority of children under five. In 1973, 826 young children were cared for in this way (Tizard *et al.*, 1976), rising to 3006 in 1985 and 4800 ten years later (DoH, 1996). Moss *et al.* reported that where childminders were asked to care for 'sponsored' children, about a third (34%) had received extra help in order to care for the child. Most (86%) could detect no change in the local authorities' approach to sponsored places since the implementation of the Children Act. Finally, more than half (56%) of all the childminders in the Moss *et al.* study had no regular contact with other childminders.

The experience of motherhood is the primary qualification for the job of childminder. Indeed, the circumstances of motherhood are the main reason for becoming a

childminder. Mayall and Petrie found that 75% of their sample had family or domestic reasons for employment as a childminder. Similarly, Brannen and Moss's (1991) study of dual earner households found several women took up childminding rather than return to paid employment outside the home after maternity leave because it suited their domestic circumstances. However, this very combination of roles may detract from the perception of childminding as a 'job' at all. Ferri (1992) found that while two-thirds of childminders surveyed thought that it was a job, the fact that it took place at home, and was close to the mothering role, lessened its occupational status. Many parents in the study also thought of childminding as something extra to the minders' home role and of marginal occupational status.

The structural context of childminding is one of private, home-based or family care, where the conditions of work are negotiated between parent(s) and childminder⁶. As the DHSS put it, 'childminding is essentially a private business arrangement between minder and parent' (DHSS, 1985b:4). Beyond the requirement to be registered and annually inspected under Part X of the Children Act, the state has very limited involvement in childminders' daily practice. There is, and has been, a tension between the demands of regulation and the likelihood of increasing unregistered minding. Pushing up the standards required of childminders under regulations has been perceived as inhibiting new recruits to the registration process (ibid.). This tension is linked to the local authority's role with childminders, as discussed below (6.2.1.3).

There are a few examples of childminders being either employed directly by the local authority, or of local authorities setting up specialist schemes to facilitate 'community childminding' (Dillon and Statham, 1998). These represent a formalisation of individual sponsored childminding to enable more systematic care for children in need, and entail more links with the local authority (Statham *et al.*, 1999). But indications are that these are exceptional and for the most part childminding is a form of day care carried out in relative isolation. Registered childminding in practice is publicly sanctioned private care.

⁶The National Childminding Association (NCMA) was founded in 1977. It provides guidance as to average fees and encourages childminders to use their standard contract with parents.

6.2.1.3 Childminders' social relations

There is some evidence of a history of local authorities undertaking some 'developmental' functions with childminders. During the 1970s, there were some concerns about the quality of care offered by childminders, (e.g., Tizard, 1976), but minders were officially encouraged as offering 'low-cost best-practice' (DHSS/DES, 1976). The fact that childminders offered a specifically domestic, or mother-like, environment for young children was seen as particularly attractive (*ibid.*). Concerns about the quality of care led to some local authorities employing officers whose job included visiting childminders on a 'drop in' basis, who had access to a system of grants for equipment, and who offered training courses to childminders (Bull *et al.*, 1994a). The approach adopted was one of 'befriending' childminders in order that the officers could have access to the childminders' household and could therefore be aware of the standard of care employed there, and perhaps encourage childminders to improve their child care skills. It was a very delicate relationship, as the local authority had few powers to enforce the 1948 legislation^{7,8,9}.

In the late 1980s, it was hoped that the introduction of the Children Act would raise awareness among both childminders and parents of the need for registration and thus retain at least a minimal relationship between the local authority and the provider. Evidence from the implementation of the Act suggests that its regulatory provisions (Part X) have not inhibited the supply of women wanting to be registered as childminders (DoH, 1995a) but the frequency of contact between the local authority officers (whose roles have largely changed to emphasise 'regulation' rather than 'development' or 'support' (Moss, 1997)) is still minimal. It would appear that few local authorities retain a visiting

⁷There were 11 prosecutions under the Act for illegal childminding between 1964 and 1970 (House of Commons Parliamentary Questions 21 December 1971, quoted in Mayall and Petrie, 1983).

⁸In addition to weak regulatory legislation, it appeared that many childminders evaded registration with the local authority altogether. Estimates of unregistered childminding are very difficult to obtain, but in the 1970s two estimates were 50,000 (Van der Eyken, 1977) and 100,000 (Jackson and Jackson, 1979).

⁹The NCMA campaigned for improvements to the law, and in 1984 embarked on a consultation process with local authorities about how best to work within the existing law (Owen, personal communication, 1993).

role between inspections, and some do not even visit annually (Bull, 1997). Moreover, evidence suggests that when local authority inspectors do visit childminders, they examine the activities and the quality of relationships less closely than when visiting day nurseries and playgroups (ibid.).

However, it would seem that through the 1989 Act the relationship between local authority officers and childminders has been formalised. For example, inspection records are kept and the standards of the care environment (especially aspects of health and safety) expected are more clearly specified. In addition, there are provisions in guidance (DoH, 1991a) which call for a more interpretive dimension to the local authority officers role with childminders, such as assessing the 'warmth of care' they offer, and the degree to which they respect children's religion, race, culture and language (ibid.). Interpretation of the childminder's performance on these aspects of care requires some professional judgement of the minder. In these respects, and with the local authorities' additional powers of prosecution under the Act¹⁰, the relationship between the two can be described as hierarchical, and (in the post Children Act era), as increasingly contractual¹¹.

Turning to childminders' social relations with mothers/parents, studies indicate that relations between the two groups, although well-meaning, are not necessarily straightforward, and can be characterised by ambivalence, awkwardness and, often, lack of experience in business arrangements. In addition, the common basis of experience of motherhood by both mothers and minders can add to, rather than resolve, interpersonal difficulties.

Bryant *et al.* (1980) argued that the privacy of the relationship between the mother and the childminder meant it was often ill-defined and awkward in practice. While childminders and mothers might, and usually did, have good intentions, they may have limited experience of making business arrangements. Furthermore, both minders and mothers were wary of being critical of the others' (mother) care, each 'recognizing the

¹⁰s.74, s.75, s.78, The Children Act 1989.

¹¹Chapter Three explored contract relations.

right to determine what goes on in her own home' (1980:220). Relations sometimes seemed precarious, with the arrangement in danger of collapsing if worries or concerns were discussed (ibid.). Mayall and Petrie (1983) pointed out that the privacy of the arrangement can leave childminders in a vulnerable position with insecure, under-paid employment, and often over-worked (1983:184). Ferri (1992) argued that childminders and mothers were each pursuing different choices in motherhood and employment and this affected their relations: the childminder had chosen not to leave her children with another carer while she worked, while the mother had.

This conflict of values about child rearing was also raised by Nelson (1994). She argued that there are inherent dilemmas in the childminding role with regard to the 'mother' role they offer. In common with other research, she argued that childminders are drawn to the work because they are mothers who believe in staying at home for their own children, yet need additional income for themselves (as do Bryant *et al.*, 1980). The first dilemma is that in doing so 'they inevitably offer a service in which they do not believe'; a service not acceptable for the minders' own children (1994:183). The second dilemma is that while the minders' version of mothering is dependent on a close, exclusive bond with her children, the job of minding demands a contingent relationship with the children, characterised by 'limited authority, responsibility and the inevitability of loss' (1994:184).

The minders' authority and sense of responsibility is limited by the potential for and sometimes active 'parental supervision, state requirements, public oversight and occasionally, the scrutiny of a husband..' (1994:198). The sense of loss is produced by the contingent nature of the relationship with the child - 'a parent can withdraw a child at any moment the parent decides that a different situation is preferable' (1994:199). Nelson argued that the perpetual possibility of loss 'makes becoming too attached to the children a risky proposition' (1994:199).

Taking into account the childminders' location in the community (as a private individual) and status and experience as a mother, there are a number of ways in which childminders can be seen as part of informal care services. One way is through the friendship networks

in a local community. Childminders can be recruited through the direct request of a friend who is returning to work after maternity leave. The childminder and mother begin their relationship as friends, but the extent to which they remain so after both the experience of sharing care of a young child, and of entering into a business relationship is unknown. Bryant *et al.* (1980) suggest that childminders and mothers may be inexperienced at, and therefore feel awkward about, the business element of childminding arrangements.

Second, childminders may become 'friends', or at least 'friendly' with, the mothers of the children they look after, although this friendship is mitigated, or sometimes undermined by the business basis of the relationship. This was noted by Bryant *et al.* (1980) and will be discussed in the next chapter in the day care study (7.2.2.1).

Third, some childminders are also involved in other community activities such as toddler and playgroups where they may meet other childminders or mothers. As seen above, some childminders have playgroup qualifications, and in the Children Act Project some childminders were also playgroup workers (Appendix 2). These networks of 'informal care services' may provide an opportunity for relations of trust to develop between mothers and childminders¹².

Fathers are conspicuously absent from these informal care services or networks of child care. Where they had any relations with childminders, these tend to be limited to fetching and delivering the children to the childminder's house. Studies have shown that even where both parents work full time, it was mothers who took responsibility for negotiating child care arrangements, both initially and on an ongoing basis (Brannen and Moss, 1991; Gregson and Lowe, 1994).

So in the course of establishing a childminder/mother relationship around caring for a child, social relations are invoked. These may begin on an informal basis (i.e., through friends) or may develop an informality (i.e., become friendly), but the basis of the

¹²Chapter Three explored trust relations.

relationship is a fee paying one, although this may be undermined by strategies employed by mothers. The relationship is one of trust, but it is also given limits by the use of a contract. Invoking these two kinds of social relationship can create a tension in the relationship, possibly due to the potentially intimate task of 'sharing' the care of a child (Bryant *et al.*, 1980). Thus, although some supporters of childminders have promoted their ability to offer a 'substitute mother' role for young children (e.g., Jackson, 1972), this can present difficulties in the mother-minder relationship. This raises questions about the implications of the structural context of childminding as day care in its potential or actual role in child protection?

6.2.1.4 Analysis

Although some childminders have experience of caring for children in need, most do not. Most, therefore, have no or little experience of working with children or mothers where special circumstances, such as consideration of behaviour that may indicate child abuse, apply. Moreover, while many more childminders than in the past have undergone basic training in preparation for the post, Ferri's (1992) work suggested that there is some resistance to training. This is based around the childminders' ideas about childminding being akin to mothering, in which they are already experienced and further training is therefore irrelevant. Although there is a history of local authorities providing support services to childminders, the post-Children Act policy environment is one of formalisation of pre-existing arrangements for support into training courses, and to be less available for informal contact between childminders and officers (Bull, 1997; Moss, 1997). Childminding is also low paid (Moss *et al.*, 1995) and doubts have been expressed as to whether it is, in fact, a real job at all (Ferri, 1992).

One might anticipate, therefore, that given this working environment, childminders would have a sense of authority about their work that was limited to the private domestic sphere and difficult to extend beyond this to the sphere of welfare professionals generally. Their role is 'naturally' prescribed by their motherhood status, and it is sited within the internal or private world of the home. A professional training for childminders

would provide an external reference point for the work, which might mean that normative assumptions about motherhood were not so prominent in understanding what a childminder does or is (Nelson, 1994). Both motherhood and childminding carry low status, both in earning power, and as caring work.

Although the extent of unregistered childminding is unclear since the implementation of the Children Act, the new system has not deterred new childminders from coming forward for registration (DoH, 1996). In addition, Moss *et al.* (1995) reported that provisions for regulating day care had universal support among childminders interviewed. Childminders, it would seem, operate in the self-regulatory environment described in Chapter 3, that is they aspire to versions of 'truth' in the form of expertise passed on, for example, by local authority regulation officers with whom they come into contact. They also accept the conditions of employment and one may expect them to internalise the advice of 'experts' such as local authority officers about policy matters such as child protection. Ferri's (1992) work, however, suggested that there may be limits to this: they may be unwilling to incorporate training that challenges their own parenting values and so their childminding behaviour and practices. In general, therefore, childminders may have the potential to be part of a regime of governmentality, i.e., they represent a mechanism through which policy can be conveyed. They are likely to be willing to do what is asked of them, including the identification, and reporting of suspected cases of child abuse.

But various aspects of the structural context in which childminder operate may inhibit their ability to play an active role in the child protection process as envisaged in *Working Together*. First, child abuse may be completely outside their range of experience. Second, they are unlikely to have had specific, detailed and ongoing reflective training to help facilitate recognition of abuse. Third, the rate of turnover of childminders might mean that specialist training appears of doubtful value to them. Fourth, their relations with local authority officers are infrequent and unlikely to be ongoing and offer informal support. Fifth, if informal trust relations with mothers are awkward and discussion of general parenting or childcare is difficult, then this might have adverse implications for their

ability to work in partnership with parents. Sixth, childminders' marginal occupational status may hamper their confidence in participating in the system of investigation, reporting and conferences (see Chapter Five). These potential difficulties may not be unique to childminders; some or all may apply to playgroup leaders and day nursery managers (and possibly other occupational groups) and they will be discussed more fully in the context of the day care study (Chapter Seven).

6.2.2 Playgroups

In comparison with childminders, playgroups¹³ have a recent history. The playgroup movement grew at a phenomenal rate through the 1960s and 1970s, and into the 1990s, providing more places for preschool age children than any other service (Bull *et al.*, 1994a). Statham *et al.* (1990) argued that the absence of local authority progress in establishing nursery education in the post-war period led to a demand for playgroups to fill the vacuum left by the shortage of nursery education places.

6.2.2.1 Profile of playgroup leaders

The vast majority of playgroups are run in the voluntary sector with support from a national organisation (PLA) and its constituent branches and regional associations¹⁴. In the survey conducted by Moss *et al.* (1995), playgroup leaders held similar characteristics as childminders. All were female, 98% were mothers, and 20% had children under five years of age. There were a higher proportion of older women among playgroup leaders than among childminders (39% aged 45 plus, whereas 18% of childminders were of this age group). Ninety three per cent of leaders were ethnically 'white' and in 8% of groups, a man was employed.

¹³The national organisation representing playgroups, the PPA (Preschool Playgroups Association), changed the name of its member groups to 'preschools' in 1995, and the name of the national organisation to PLA, the Preschool Learning Alliance. Groups which are not members of the PLA may have retained the name 'playgroup'.

¹⁴There are a small number of playgroups run by local authorities and by private individuals or organisations.

The playgroup leaders' own children were the most frequent spur to their active involvement in the playgroup. Brophy *et al.* (1992) reported that most playgroup leaders began as mothers of children who attended the group. Playgroup leaders tend to be ethnically 'white', although in inner city areas, more black staff were recorded by Brophy *et al.* (1992: Table 6.1). Playgroup leaders also tend to be better qualified in child care work than childminders. Moss *et al.* (1995) found that very few playgroups had no qualified staff¹⁵ and 75% of playgroups had at least one member of staff with the PLA Foundation or Diploma. Some 27% of playgroups also had a member of staff with a teaching qualification. This still left 67% of playgroups with at least one member of staff with no relevant qualification in early years care and education or teaching.

Playgroup leaders tend to have considerable commitment to their work. Brophy *et al.* (1992) found that three-quarters of the leaders had worked in the group for three years or more, with long service particularly pronounced in playgroups in rural areas where a third had worked for more than 10 years in the same group. This commitment occurred despite poor pay and working conditions. For example, playgroup work is very part-time work¹⁶ with limited employment benefits such as a contract of employment, sickness benefit or pension scheme (Brophy *et al.*, 1992).

6.2.2.2. Type of service

On average, playgroups are open 13 hours per week, during school term time only. Forty per cent of the playgroups in the Moss *et al.* (1995) study reported vacancies, and half reported a waiting list in operation. One half of the playgroups had some children attending with a subsidised place (such as an assisted places scheme), and 51% had experience of a child placed by the local authority (a sponsored place). Nationally, the

¹⁵Appropriate qualifications were taken from Guidance (DoH, 1991a) and included NNEB, PLA Foundation or equivalent, PLA Basic, Teaching, Social Work, Child Nursing, Health Visiting and NVQ Levels 2/3. It should be noted that the PLA qualifications are attained by attendance, not by examination.

¹⁶Hours of work in the Brophy *et al.* (1992) study ranged from 7.8 hours to 18.4 hours per week (term time only).

welfare role of playgroups in caring for sponsored children is better established than with childminders: in 1985, 9,726 children were so placed; this rose to a peak of 13,600 in 1994, falling away in 1997 to 8,500 (DoH, 1998). In the Moss *et al.* study, only 27% of playgroup leaders reported receiving any extra help with sponsored children, and, as with childminders, most thought there had been no recent changes to the local authority's approach to sponsored places with the Children Act (Moss *et al.*, 1995: Table 3).

6.2.2.3.1 Social relations with local authorities

Playgroups are required to be registered with the local authority in the same way that childminders are, and are subject to the same regulatory regime of annual inspections under the Children Act. Beyond this, local authorities have developed several methods of supporting or liaising with playgroups, and there is, in many, but not all, local authorities a history of 'working with' both individual playgroups and representatives of the PLA at a regional level. Statham *et al.* (1990) pointed out that there are many and diverse means of organising this work across local authorities but refer to three principal methods.

First, because playgroups saw themselves and were/are seen by local authorities as providing preschool education, one method of working with playgroups was the appointment of an officer from within the education department whose role was to liaise or coordinate with playgroups alongside similar work with nursery classes. Similarly, an officer from the regulating SSD might also be responsible for supporting the work of playgroups. A second method was the encouragement of collaborative working between individual schools and playgroups as a means of coordination and liaison. Third, the local authority could provide funds to the local or regional PLA who would then act as its agent, by providing support to playgroups or offering particular forms of service, such as training, or extra helpers for playgroups taking children with special needs. Regional and local PLAs regularly use grant aid from local authorities to employ field workers (who provide visiting and telephone support to playgroups); however, research demonstrated that these people tend to be overworked and underpaid (Moss, 1997).

In terms of relations between local authorities and playgroups, all these means, but particularly the first two, offer methods of developing relations of trust between the two parties. The aim from the local authority point of view might be to ensure that the standard of care and education on offer is in some sense 'equal to' that provided in their own education facilities¹⁷. The aim from the playgroups' point of view might be to ensure that their work is taken seriously by the local authority, and to maximise the potential for access to resources to support their work¹⁸.

6.2.2.3.2 Social relations with parents - general support

Social relations between playgroups and parents are defined in their family support role (PPA Statement of Principles, 1989). Over the three decades since their inception, the PLA has developed an ideology of parental participation in playgroups. The Statement of Principles asserts that through playgroup work parents are supported in their status and in their educative role of their children, are enabled to develop skills and confidence and to play an active role in their community. Parental participation is encouraged through all aspects of playgroups, from the management committee to fundraising and helping with the children's activities through a parents' rota. There is some evidence, however, that the ideology of parental participation is not reflected in practice.

First, Brophy *et al.* (1992) reported that 'parental' participation really refers to mothers' involvement in playgroup work. For example, 29% of the mothers in their sample had some involvement in the management of the playgroup, while 1% of fathers were so involved. The proportions of fathers' involvement were similar in other aspects of the work such as organising and supporting fundraising, and working with children. Second, by no means all mothers are involved in playgroups. Statham *et al.* (1990) referred to persistent difficulties reported by playgroups in obtaining parental involvement in

¹⁷Many of the local education authorities in the Statham *et al.* (1990) study expressed some negative views about the role and capacity of playgroups.

¹⁸The DoH provides a block grant to the PLA to support playgroup work (£10m in 1996).

committee work, in helping with children and in supporting PLA activities. Brophy *et al.* (1992) reported that overall, 78% of mothers had some involvement in the playgroup, although this tended to be infrequently, such as taking a turn on the parents' rota or supporting a fundraising event. However, a more recent study found that 63% of mothers had **no** involvement with running, management or fundraising activities of the playgroup while a few mothers had involvement in more than one activity (Meltzer, 1994). The ideology of parental participation envisaged by the PLA appears, then, to be under some strain in practice, particularly with regard to parents being able and willing to act as competent and committed committee members to support the playgroup leaders. Factors adversely affecting parental involvement in playgroups include the recent and dramatic changes in mothers' paid employment outside the home, the short period of time many children attend playgroup, and a reluctance to assume managerial responsibility (Brophy *et al.*, 1992).

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6.2.2.3.3 Social relations with parents - specific welfare role

In addition to this role of helping families with a need for general support¹⁹, during the 1970s playgroups began to be seen as a resource for helping children in specific categories such as 'child abuse' or 'child at risk'. In 1978, when commenting on the uses of the child 'at risk' register, for example, the British Association of Social Workers (BASW) argued that a playgroup place was one possible recommendation of a child abuse case conference (BASW, 1978). In 1977 the Select Committee Report on Violence in the Family quoted evidence from BASW and the Association of Directors of Social Services (ADSS) suggesting that a playgroup place was appropriate for a child for whom the social services department had concerns, offering 'not only a cheaper, but from the point of view of the young child a more effective form of caring than the council day nursery' (HC, Cmnd 6690, 1977:para.79). Furthermore, evidence from the DHSS to the same Committee outlined a role for playgroups in detecting concerns about child abuse; 'playgroup leaders may notice signs of abuse or neglect when children attend' (HC Cmnd

¹⁹A role which was supported by the two government circulars referring to public access to day care services in the private and voluntary sector: MoH Circulars 221/45 and 37/68.

6690: 16).

I noted above that the use of playgroups for sponsored places is better established than with childminders, or day nurseries (DoH, 1998: Table 8). It may be that playgroups have adopted this welfare role more readily than other services because nurseries and childminders were simply not available; but, in addition, there appears to be a convergence of opinion among professional bodies (such as BASW), in government, and within the PPA's Statement of Principles, that playgroups were and are an appropriate services for children with 'special', or 'welfare' needs, and possibly specific 'child protection' needs as well.

6.2.2.3.4 Social relations with mothers

Returning to the social relations of playgroup leaders, this time with mothers, we have seen that leaders themselves are mothers who have extended their role as a 'participating parent', have typically undertaken some internal (PLA) training, and often work with relatively little support from a management committee. A leader is also likely to have little, or only formal, contact with social services departments, and may have more contact with a local branch of PLA. In one sense, she is 'just another parent', who is friendly with all the other parents, although her own children are likely to be no longer attending, but to have moved on to school. She is likely to live in the same area, and to use the same services as the other parents. She is likely to have considerable empathy with the situation of 'being a mother' in the local community. In this sense, social relations are likely to be based on substantial trust and goodwill, and a sense of commonality of tasks *vis a vis* children between mothers and playgroup leaders.

However, Brophy *et al.* (1992:115) revealed a level of dissatisfaction among leaders with the exercise of trying to engage other parents in the playgroup 'ideal' of parental support and participation. This study found that nearly half the leaders (20/43) reported difficulties in practice in trying to get parents to support a rota of helpers or the management committee (*ibid.*). Many of the mothers interviewed in the study also

expressed some ambivalence about the practical implications of parental involvement of helping with or managing playgroups (ibid., 114). This suggests that the leaders' relations with other parents may come under strain at times as she tries to cajole or threaten or persuade parents to help out with the group and she senses that they do not share or cannot incorporate additional commitments into their lives.

These tensions between the policy of parental participation and the practical implications of them for parents were expressed by playgroup leaders as an ambivalence about aspects of their role. The social relations between leaders and mothers (who also theoretically manage leaders through a committee) may be complicated by these different expectations of mothers for a number of reasons. First, playgroups may not be the first choice of day care service: many parents prefer nursery education over playgroups (Meltzer, 1994:11). This absence of a positive choice may inhibit parents' full support of the practice of parental involvement in playgroups.

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A second feature is that children tend to attend for a short period of time (and part-time), so there is a high turnover of children which limits their parents' contact with and commitment to the playgroup. This may mean there is limited time in which to develop social relations with leaders. Third, there is, or can be, a class dimension to relations between mothers and leaders in playgroups. Finch (1983) argued that there are two aspects of class on display in playgroups. First, playgroups were an essentially middle-class idea, arising from a middle-class tradition of voluntary self-help but often adopted in working-class areas. Second, where they did operate in working-class areas, Finch observed different class-cultural expectations of child and parenting behaviour emerge. These differences may act as social boundaries between, and so provide opportunities to make judgements about, different groups of women, leaders and mothers. The effect was that the groups of women were actively constructing and sustaining social hierarchies among themselves (Finch, 1983:115), which served, perhaps, to help them mark their positions in the 'toehold [of] a public domain' that being in a playgroup represented (ibid., 1983:116).

Taking research findings together, it is perhaps unsurprising that workers find that many mothers/parents are reluctant to be involved in playgroups and that many contemporary parents do not or cannot accept the aims and principles which underscored the playgroup movement. The reality is that both mothers' and leaders' relations reveal tensions and dilemmas as each tries to accommodate different objectives.

6.2.2.4 Analysis

What emerged, then, was a strong (at least in their numbers) voluntary sector force of playgroups/preschools, together with a national association, which offer preschool education, and family support, and a specific service to children in particular categories of need. There are established patterns of working between local authorities and playgroups' regional and branch associations, which focus on 'liaison' and 'support' although this is variously defined and by no means universally available. As with childminders, the effect of the Children Act 1989 was to formalise links with the local authority, through the processes of registration and annual inspection. There is also some evidence that 'support' is increasingly likely to come through grant aid to the regional associations of the PLA (rather than local authority officers), a method which has been subject to budgetary cuts in the years after implementation of the 1989 Act (Moss, 1997). Relations with the local authority, therefore, are more likely to be contractual than based on trust, although in some circumstances, such as the provision to 'place and pay for' children, there are opportunities for trust relations to develop (I explore this further in the day care study (Chapter 7)).

There is also some evidence that the growth of playgroups has come to a halt. The number of playgroups peaked at 17,996 in 1991 and since then has declined each year (DoH, 1998). In 1997 and 1998 playgroups closed or were threatened with closure (Tweed, 1999:4)²⁰. This may be because there are few premises left available to hire for a sufficiently cheap rent, or it may be because there is not the available supply of leaders.

²⁰The exact numbers are disputed between the DoH and the PLA (Tweed, 1999).

A third possible explanation may lie in the modest yet progressive increase in part-time nursery education in recent years, which is a free, popular and well-resourced service in comparison to playgroups (Meltzer, 1994:11).

Brophy *et al.* (1992:77) found that mothers tended to become involved in playgroup work through a chain of events such as a crisis within the playgroup, rather than through a conscious decision to embark on a career in voluntary work or in child care. Many of the women saw themselves in due course finding alternative, better paid work, perhaps in child care. This, and the increase in employment among women generally (Crompton, 1997), would suggest that a supply of women to work (almost) voluntarily in playgroups cannot be relied upon for the future. While playgroups and the PLA are seen as an important part of the new local authority wide Early Years Development and Care Partnerships (DfEE, 1998a) their position seems to have been weakened by recent policy changes and a government-led review of the ways playgroups meet or do not meet the needs of children and parents began in early 1999 (Tweed, 1999).

Despite the long tradition of a welfare role for playgroups, many similar issues may arise for playgroup leaders as for childminders when participating in the child protection system. Playgroup leaders are likely to have a similarly limited sense of authority in relation to the broader professional context: they are low paid, with few benefits of employment, and although they appear to be highly committed to their work, they consider that society views their work as low status (Brophy *et al.*, 1992:90). They have difficulties implementing the philosophy of parental participation articulated by the national organisation and this may suggest difficulties in discussing other sensitive subjects with parents, such as parenting behaviours or child abuse. On the other hand, they may accept and have internalised the local authorities' approach to policies such as child protection and accept their role in identifying, reporting and monitoring child abuse as a development of their welfare tradition.

6.2.3 Independent Day Nurseries

While there are varying employment locations of, and managerial arrangements for, day nurseries, this discussion of structural contexts will focus on independent day nurseries required to register with the local authority. I discussed the specific welfare role of public day nurseries and family centres above (6.1.3) which are not required to be registered. However, two surveys suggest that most independent, registered day nurseries are managed and run by the owner: 67% of nurseries in Moss *et al.* (1995); 84% in the LGMB (1999) survey. The remainder were managed either by a committee or educational establishments, national children's charities, churches and companies (workplace nurseries).

As noted in 1.3 registered day nursery provision has increased markedly in the last fifteen years. It has been the major source of expansion in the day care field, responding to changes in married women's employment (Holtermann *et al.*, 1998). For example, in 1982, registered day nurseries provided 21,131 places for children under five; by 1997 they provided an estimated 172,000 (including an unspecified number of places for children aged 5 - 8) (DoH, 1998: Table 2), an eight fold increase. The proportion of places in the registered sector also increased markedly: these places accounted for about 40% of all nursery provision (other providers being public day nurseries and non-registered services, such as in private schools) in 1982; by 1997 they accounted for 89% of places overall (*ibid.*).

6.2.3.1 Profile of staff

The two surveys of independent day nurseries referred to above provided some details about staff as Table 6:4 shows.

Table 6:4 Characteristics of independent day nursery managers and staff

	Age	Gender (% female)	Ethnicity (% white)	Motherhood status %	Own children under five %	Hold a relevant qualification %
Managers ¹	35 - 44	97 (both)	88 (Moss) 96 (LGMB)	74 (Moss)	10 (Moss)	90 (LGMB)
Staff ²	n/a	99	94	n/a	n/a	75

¹ Findings from both surveys combined: Moss *et al.* (1995); LGMB (1999).

² Data on staff from LGMB.

Comparing Table 6:4 with the figures given earlier in Table 6:3 and 6.2.2.1, it can be seen that while day nursery managers were most commonly about the same age as playgroup leaders and childminders, they were less likely than the other groups to be mothers, or to have a child under the age of five themselves. These managers were also slightly more ethnically diverse and slightly more likely to be male or to employ men staff in nurseries than either playgroups or childminders²¹. While nearly all managers held a relevant qualification (usually the NNEB or equivalent or a teaching qualification), about a quarter of staff in nurseries were unqualified (LGMB, 1999:Table F). They were, however, more likely to have staff with child care qualifications than either childminders or playgroups.

6.2.3.2 Type of service

Independent day nurseries are typically open 48 hours a week, all year round. Less than a quarter take children before and after school (22% in Moss *et al.*, 1995). Half of those Moss *et al.* surveyed took children under the age of two years, and over half reported that they had vacancies (57%) and a waiting list (56%), suggesting that there are difficulties matching supply and demand. Nearly half (49%) took, or had taken, a child whose places

²¹ Moss *et al.* (1995:Table 1) reported that day nursery managers were 88% ethnically 'white', while this was the case for 93% of playgroup leaders and 91% of childminders. In addition, 44% of day nursery managers reported employing ethnic minority staff, compared with 25% of playgroup leaders. On gender, 93% of day nursery managers were female, compared with 100% of playgroup leaders and 99% of childminders.

was paid for by the SSD, usually for 'parents needs', or because of a physical disability or behaviour (48%). Ninety per cent of those who had not had a sponsored child said they like to do this work.

Of the three services, day nurseries have been used least by SSDs for sponsored places. In 1985 only 1,567 children were placed and paid for by local authorities; by 1997 this had increased to 1,900 children, half the number placed with childminders and a third of those in playgroups (DoH, 1998, Table 8). Statham *et al.* (1999) reported that private nurseries have traditionally been used to a lesser degree than voluntary sector independent nurseries for sponsored places, although local authorities may be reconsidering this 'partly because of the impact of the Early Years Development Partnerships' (Statham *et al.*, 1999).

The evidence suggests that independent nurseries usually provide a general child care service for working parents (who pay fees); and they may provide a minimal welfare service accepting children placed with them and possibly paid for by the local authority or a local scheme²².

6.2.3.2 Social relations in nurseries

As with other day care services, relations between local authorities and independent day nurseries largely centre on the requirement to register and inspect the services under the Children Act 1989 and previously (the less stringent powers of) the Nurseries and Child-Minders Act 1948. In contrast to playgroups and childminders there is little recorded history or research evidence of local authority officers and day nurseries working in 'liaison' or 'collaboration' or of local authorities offering 'support' to day nurseries, or of providing material help to day nurseries.

Bull (1997) reviewed how, when the Children Act's regulatory regime was introduced,

²²These nurseries are also eligible for inclusion within the system of early education grants for four year olds where their educational curriculum meets the required standards.

organisations representing day nurseries were most vociferous in their allegation that local authorities were interpreting the requirements 'over zealously'. Their campaign with the Department of Health on this point ensured the publication of Circular 1/93, a document that was frequently perceived in local authorities to undermine the hard won minimum standards seen to be achieved with the Children Act Guidance (Bull, 1997). Underpinning the nurseries' campaign, and the message of the Circular, was the philosophy of market forces in the provision of day care. The Circular stated, for example, that 'standards should not be unrealistically high to the point where they inhibit the expansion of day care'. Bull provided evidence from the implementation of the Children Act which suggested that local authority regulation officers believed there to be some tension between a market forces approach to providing day care and good quality day care that puts the children's needs uppermost. She argued that this tension can be seen in the task of enforcing minimum standards while simultaneously being 'flexible' in the light of individual circumstances (ibid.).

*

Given these different views on how best to achieve nursery care of a good quality within the private market, relations between nurseries and local authority officers can be difficult. They are more likely to be based on a contractual style (outlined in Chapter Three), where the minimum expectations of each party are clearly laid out. Moss *et al.* (1995) found that about a third of day nursery managers did not feel they could obtain informal support, such as advice over the 'phone, from the local authority officers in their area. However, about two thirds of nurseries *did* contact the local authority officers for support although a significant minority found the advice unhelpful (Moss *et al.*, 1995:Table 5).

There are few studies examining the social relations of day nursery staff with parents of children who attend. Vernon and Smith (1994) undertook a survey of nurseries involved with a subsidy scheme organised by a major bank, and included some data on nursery practices of 'fostering partnership' between parents and the nursery²³. Vernon and Smith

²³The sample of 95 nurseries was selected by virtue of involvement in the Midland Bank subsidy scheme, where a criterion for inclusion was evidence of policies for involving parents.

discussed two types of parent involvement: communication with parents over their children; and parental involvement in running the nursery. In both cases, while there were examples of extensive attempts at involvement, and in particular 'some warm and friendly chats', sometimes conducted with 'great sensitivity' (ibid., 132-133), for the most part there was a reliance on informal ongoing contact rather than planned involvement in either methods of consultation or running the nursery. In addition, few staff had the benefit of training in building relationships with parents (ibid., 137). The study found wide variations in the methods of involving parents²⁴ but the range of methods did not necessarily reflect the proportion of the parent group involved in aspects of nursery life. For example, although the bank scheme recommended that nurseries reserve one parent place on their management committee or steering group, 10 of the 95 surveyed nurseries did not do so. Vernon and Smith concluded that for both structural reasons, and constraints such as lack of parents' time, 'parent-users are unlikely to represent the potent force in moulding practice that is often anticipated' (Vernon and Smith, 1994:138), raising similar difficulties in practice as those presented by the philosophy of involvement in playgroups (Brophy *et al.*, 1992) (see 6.2.2.3.2)

However, with this limited volume of research data in mind, the following may be tentatively argued about relationships between day nurseries and parents. First, day nurseries tend to have managers and grades of staff, and as such they are hierarchical organisations (Penn, 1997), and can therefore delegate specific responsibilities, such as talking to parents, to the manager, or to a specified member of staff. This can separate 'everyday' talking to parents (about children's sleep and play, for example which nursery nurses may undertake), from talking to parents about specific concerns such as progress, behaviour or exceptional events. This suggests that managers (or room leaders, or deputy leaders) may take responsibility for 'difficult' or 'sensitive' discussions with parents. It may be that this 'distance' eases the task.

Second, parents tend not to have much choice when selecting a day care service (Owen

²⁴Most frequently mentioned method was 'daily conversation with staff' (93/95 nurseries); least frequently mentioned was 'participation in training/discussion groups' (25/95 nurseries).

and Moss, 1989; Brannen and Moss, 1991; Vernon and Smith, 1994:137). This means that when they do obtain a place they tend to be grateful, and to dread losing it. In these circumstances, parents may feel a sense of deference to the nursery manager, and to want to avoid challenging the nursery on aspects of nursery care. Third, nurseries tend to operate as formal institutions. By this I mean they have rules about nursery life which may or may not be explained in booklets given to parents, and they have established lines of communication from nursery nurse staff to managers. They may employ strategies such as staff meetings and systems of record keeping to channel staff views and information about children and the nursery regime in a specified format. This method of surveillance may influence how children are perceived within the nursery. For example, if, in record keeping systems, headings are specified, then children's progress, behaviour and health will be considered under these headings and in comparison with other children. This will then frame how nurseries convey this information to parents (if, indeed, they do so at all). In this process self-regulation by nursery staff about what constitutes relevant information develops and becomes normative practice.

All these features of nurseries, record keeping, the presence of a hierarchy, the lack of parental choice, and the rule bound way of operating suggest that relations with parents will be formal and although underpinned by an element of trust or low trust (having one's child cared for by another inevitably includes an element of trust in the caring party). Thus relations between parents and providers are much more clearly contractual than those between parents and childminders or particularly playgroup staff. This contractual relationship reflects the fact that nursery work is much more clearly a 'real' job than playgroup work or childminding.

6.2.3.3 Analysis

Although public and some voluntary sector day nurseries have had a welfare role within their day care service for some time, this is not the case for the emergent private day nursery sector which now forms a significant part of the full-day care service for children of working parents. Furthermore, this sector has traditionally had a limited, regulatory

relationship with local authority officers and its relations with parents are likely to be more contractual than with either of the other two types of day care discussed here. Arguably, in these circumstances, most private day nurseries will have had limited, if any, experience of either working with children who have been abused (a formal protection role), or of identifying and reporting cases of suspected abuse (a community gatekeeping role).

Given the more highly structured framework within which day nurseries operate (compared to childminders and playgroups), it is possible that managers who work in them have a greater sense of personal authority and influence than childminders and playgroup leaders. For example, they are more likely to hold a relevant qualification; they are responsible for admissions in a service often in high demand (particularly places for children under two which are less frequently available); they are responsible for directing the work of their staff group, usually on a hierarchical basis; and they are responsible for setting the rules and the sanctions used in the nursery (within the confines of the Children Act 1989). All these factors may, in combination, facilitate a sense of 'ownership', and/or control over the facility, and contribute to a comparatively greater degree of authority or agency held by managers. However, this agency should not be over-stated. It may be that other factors, such as working in comparative isolation, or a perception of other nurseries as competitors rather than colleagues, or a lack of a tradition of consultation with the local authority inhibits their sense of authority.

Nevertheless, one might also expect nursery managers to have internalised the discourse on child protection, to accept that child abuse exists and that there is perhaps a need for institutions such as nurseries to respond to evidence or suspected evidence that abuse exists among children they care for. Such self-regulation on the issue of child protection and abuse may have limits however. It may equally be that day nursery managers believe that the children of working parents are not at risk of child abuse and that therefore 'it doesn't happen here'. This belief may be reinforced by the likely history of limited contact with the local authority who may, in other circumstances, be able to offer training courses on child abuse and protection, or informal support over the issue. Moreover, there may

be financial implications for a manager in accepting a role in identifying and reporting suspected child abuse. If, for example, a child had injuries and abuse was suspected this may mean implicating their parents, with possible adverse implications for the reputation of the service. These kinds of considerations may influence the way in which private day nursery managers incorporate their own professional interests into their interpretation of child protection policy and their responsibilities within it.

6.2.4 Reflections on the structural context and child protection policy

Thus, the governmentality of child protection within day care services may constitute a particular regime for policy implementation. The structural contexts within which the majority of day care services operate function to deliver child care and education for working and non-working parents. But three elements of this structural context stand out as having a potential impact on the way child protection policies are interpreted and implemented. First, the close relationship between providing day care and the status of motherhood. Many providers are mothers, who choose to combine mothering with childcare work, and rely on their motherhood as their primary source of knowledge and experience for their child care practice. This may have implications for the ease with which they can work in partnership with parents for example.

Second, while the three services have had differing histories of informal contact and support with local authorities, since the implementation of the Children Act, these relations have been formalised, for instance into regulatory processes that incorporate training courses and annual inspections rather than an ongoing relationship. These more formal and perhaps distant relations may serve to enhance the independence of day care services, but may also (perhaps inadvertently) make decision making about identifying and reporting possible cases of suspected abuse more difficult. Day care services, particularly childminders, have relatively little scope to discuss issues with colleagues and this working environment may have implications for arriving at a conclusion about sensitive, and perhaps rarely seen, matters, such as whether to report a case of suspected abuse.

The third feature of the structural context of day care to stand out in relation to child protection policy is the status of training and qualifications. Traditionally, day care providers have not been highly trained, if at all, and few are examined. Childminders in particular tend not to hold formal qualifications but in the recent past to have undergone preparation courses in conjunction with registration procedures. Despite the firm encouragement in the Children Act and guidance (DoH, 1991a) for trained workers, there is still a reliance on experience both of childcare practice and of motherhood, reinforced in policy (DoH, 1993). In comparison with other professions working with children, in day care, training and qualifications hold a relatively low status²⁵.

Some work even suggests a resistance to training on the part of some providers, such as childminders (Ferri, 1992), although another study has shown a high level of demand for further training along with widespread difficulties in finding or attending training courses (Moss *et al.*, 1995, Table 5). Furthermore, a high turnover of workers may pose difficulties for maintaining adequate coverage of trained staff across the various forms of provision (Cameron, 1997a). The combination of a perception of a low regard for, or need for, training in day care with a specialist role such as identifying and reporting child abuse, therefore, may have implications for the confidence with which independent day care providers embark on this part of their work, although the precise impact of training on child protection work has not been evaluated.

In the forgoing sections I have outlined features of the particular structural contexts in which independent day care is carried out. These features provide the 'environment' or 'culture' into which child protection responsibilities have been introduced and formalised. Such responsibilities have evolved through practice examples and policy instruments which have made a link between the services offered by day care and the welfare of young children. The evolution of these is documented next.

²⁵For example, professional training in teaching and social work usually begins at the earliest at age 18 (compared to 16 for childcare training), and moves have been made in recent years to integrate professional qualifications with academic degrees.

6.3 Day Care: Its role in child welfare policies

The 'welfare' role of day care services can be traced through three types of sources. The first is government Circulars and reports. The second source is the recommendations of child abuse inquiry reports, and the third source, which establishes the current policy position, is government guidance on child protection (*Working Together*). Overall, these policy sources outline a longstanding policy interest in using day care to promote the welfare of children and families.

6.3.1 Circulars and Reports

The two circulars setting out government policy for access to day care detailed earlier (6.1.1., MoH, 1945; MoH, 1968) provided for a residual approach to provision of day care. One effect of this residual access policy underscored by the ideology of ideally 'at home' motherhood, was to introduce priorities for access that required assessments of 'need' in relation to the 'ideal' caring situation.

This focus on welfare need, and the use of local authority social services officers to assess need, linked day care services to the concerns and preoccupations of child welfare services. Government sponsored reports in the 1970s and 1980s on aspects of 'the family' amplified potential or actual welfare roles for day care services. All of these considered the 'needs' of family members, in particular children and mothers, and identified services where needs could be met. More specifically, they called for an expansion of day care services to alleviate social distress and improve opportunities for children.

For example, the Finer Report (DHSS, 1974c) on lone parent families (almost always headed by the mother), argued that the provision of day care services should be available to lone mothers *wanting* to work. This represented a break from previous policy which emphasised circumstances where women had no option but to go to work. A second role was to provide a service for children for whom there is a welfare concern, including those it is thought are suffering from 'child neglect or cruelty'. A third, more general role for

services was to promote the ability of all children to become 'healthy and mature adults' through day care being widely available and accessible (DHSS, 1974c:8.122). This contrasts with the earlier policy of relying on mothers in the private domestic world of the family to achieve the same end (see Chapter Five).

Further support for the role of day care in alleviating social problems such as isolation among families was reported in the Select Committee on Violence in the Family (House of Commons, 1977). This committee argued that in the absence of informal support networks of care and support, day care should be more readily available, and 'not just to those [mothers] who have succumbed to strain and been listed as social priorities' (House of Commons, 1977:76). The Committee argued against having a system of social priorities for attendance in day care on the grounds that a stigma was attached to attending. It stated if 'provision generally were adequately and more freely available.. the environment would be so much better for it' (ibid., 1977:68). To support this point, the report recommended safeguarding day care services during a period of expenditure reviews and cutbacks.

The Report endorsed the principle of local authorities sponsoring day care places in the private and voluntary sectors. Properly supervised, it argued that childminders and playgroups offered a cheaper and a more effective form of caring than large council day nurseries (ibid., 1977:77). Childminding was particularly endorsed, as this could potentially offer 'close warm mothering substitutes which some children need (and cannot always be provided in a group setting)' (ibid., 1977:157). However, childminders' difficulties with reporting child abuse was noted by the report and additional help and guidance for childminders was recommended²⁶.

A third report, the Brimblecombe Report (DHSS, 1980a), on the needs of the under fives, again linked day care provision and the welfare of families with young children. It argued

²⁶Evidence from the London Council of Social Services to the Committee reported 'inadequate procedures in many London boroughs for notifying a local authority about a child whom a childminder suggests is at risk from his (sic) parents' (HC, 1977:77).

that 'a continuing increase in pre-school provision will result in fewer children being received into local authority's care and fewer children being at risk of non-accidental injury' (DHSS, 1980a:23). The messages of these reports were in line with the preventive approach to welfare services overall prevalent during this era and discussed in Chapter Five.

There was a growing and authoritative body of opinion, therefore, that linked the use of general day care services to the prevention of health and social difficulties within families and thus the protection and welfare of young children. Chapter Five discussed in more detail the fluctuating policy concerns with more limited (a protection-oriented approach) and broader (prevention-oriented) access to services. The main point here is that within circulars and reports about various aspects of the family there is evidence that day care services were seen to have an important role to play in supporting and promoting children's welfare. This approach was built upon in the subsequent Short Report (DHSS, 1984) and the White Paper (DoH, 1987) preceding the Children Act 1989 as discussed in Chapter Five.

These reports of the 1980s give greater emphasis to the links between general 'preventive' services and the specific aim of preventing the breakdown of family relationships and the potential use of local authority 'care' (as discussed in the Short Report, 1984). The 1987 White Paper (and the subsequent 1989 Act) promoted the development and use of a wide range of 'family support services', of which day care formed a significant part. However, by using the concept of children in need to define access to services, the broad access preventive approach was restricted in its application to a specific, reparative, welfare project, rather than a service for all or most young children.

Evidence from the implementation of the Children Act in local authorities suggested that the use of the term 'in need' did not encourage local authorities to expand the categories of children for whom they undertake to provide services (Aldgate *et al.*, 1994; Cameron, 1997b). Nor has there been any substantive financial support to day care services from central government to enable more children to attend day care services in the private and

voluntary sector²⁷. So, despite the recommendations of many reports, and the enactment of substantive legislation for children which included day care services as a major ingredient in young childrens' health and welfare, the extent to which these services are more readily available than when the first reports were written (1974) is negligible. For example, the loss of places in local authority day nurseries and playgroups over the period 1985 - 1994 was 9,111; while the gain of 'placed and paid for' places over the same period was 7,300 (DoH, 1996)²⁸. However, one effect of these policy shifts with regard to day care was to begin to open up the interface of child protection and day care: the potential or actual role of services and their workers in identifying and reporting cases where there were concerns about children's health and welfare began to be acknowledged.

6.3.2 Child abuse inquiry reports

A second source of evidence on the welfare role in day care can be found in the reports of child abuse inquiries. Where preschool aged children have been the subject of inquiry, a review of child abuse inquiries covering the period 1980 - 1989 stated that 'the important role of home care and day care staff, nurseries and preschool provision is noted' (DoH, 1991c:9). Two main roles for day care were identified in the review. The first role was familiar from previous policy reports and argued that day care services played a general role in 'preventing family break-up and the need for local authority care, and the role in prevention of child abuse' (ibid.).

The second role identified by inquiry reports was that day care staff could assess and

²⁷A child care subsidy was introduced in 1993 to those families who pay for child care, earn a low wage and are receiving benefits such as Family Credit (Duncan *et al.*, 1995). The number of families helped by this means was lower than government projections. By 31 July 1995, 19,000 families had received the child care disregard, as against an original estimate of 150,000 families (Parliamentary written answer, 11 December 1995 to M. Hodge MP). Developments since the Labour Government came to power have recognised the need for more day care services, particularly for school aged children. Various initiatives have been introduced including a Working Families Tax Credit to ease child care costs for low income families and Sure Start which has made more financial support available to target the development of day care and family support services in disadvantaged areas (DfEE, 1998a). How effective these are in practice is yet to be formally evaluated.

²⁸Since 1994, the number of sponsored places has declined from a total of 21,400 to 13,500 in 1997 (DoH, 1998), but Moss *et al.* (1998) disputes the accuracy of these figures. Trends in sponsored places are discussed further in Chapter Eight.

monitor individual children in relation to child abuse. For example, staff could record 'baseline information about a child's development', about the child's progress and about the general situation in the family (DoH, 1991c:9). These kinds of responsibilities indicate the role of staff in contributing towards the formal system of child protection. For example, the Beckford Report (London Borough of Brent, 1985) argued that the purpose of a day nursery place for Jasmine Beckford was to monitor the standard of her care and welfare at home, a role that was not properly recognised by the social worker responsible, but could have been given greater prominence in the protection plan offered to the child. Individual inquiry reports into cases of child abuse, then, have developed the idea that day care staff are well placed to contribute to the formal child protection system.

6.3.3 Child protection roles and tasks for day care providers

The role of day care staff in welfare and child protection is made explicit in *Working Together*. This guidance (quoted in full in 6.1) developed the role of staff in private, voluntary and public day care services to the status of fully participating child protection agency on a similar basis to professional health and welfare agencies. In comparison with the role identified in previous policy documents, *Working Together* significantly formalised and extended the role awarded to staff. Although policy documents had made intentional links between day care work and child protection roles, there is no evidence of debate or exploration of the implications in practice for day care providers in exercising a formal child protection role.

There are two elements to this role. First, the services are expected to be able to identify and report any concerns about the health or welfare of the children attending the service. The training and procedural needs of implementing the policy within day care services are specified but no detail is given about whether they are assumed to be already in place or how they are to be achieved if not already in place. Second, the policy expects day care services to be able to offer specific forms of help to individual children perceived to be in particular need. This may take the form of record keeping, which will require some form of assessment of the child's functioning (in order to be able to write the record),

and/or of establishing a sufficiently individual relationship in order to 'help children directly' (Home Office *et al.*, 1991a:4.42).

This more sophisticated role for day care services is equally applicable to public, private and voluntary day care services. Following the discussion of the traditions and work of public day care earlier (6.1.3) and the structural context of independent day care services (6.2) it can be seen that the new, more formal, child protection roles and tasks may well be straightforwardly integrated into the scope and functioning and organisational methods of services in the public sector. However, in the very different environment of independent day care services, with a reliance on trust relations, and a distinct lack of experience in working with the local authority (for example, through caring for sponsored children), the requirements of *Working Together* may be much more problematic.

Under the terms of this guidance many aspects of the relationship of day care providers to their customers - parents - and to the social services department, has been transformed. This transformation involves two dimensions. Firstly, as well as being a community or demand-led response to the needs for child care while mothers are employed and/or for children to have some social and educational stimulus, private and voluntary services are asked to adopt a surveillance and monitoring role with children and families. Secondly, day care services are formally required to adopt a negotiating and advisory role with social services departments, the same departments with whom they have a regulatory relationship under Part X of the Children Act 1989 (as explained in paras. 6.2.1.3; 6.2.2.3.1; and 6.2.3.2).

6.4 Policy into Practice

So far this chapter has analyzed contemporary day care, both its structural context and policies that shed light on how and in what ways welfare and protection roles for day care services have developed. In this last section I will review three potential problem areas that may occur at the interface of day care practice and child protection policy, and which may be particularly sharply felt by those working in the independent sectors of day care

services. The first problem area is partnership with parents.

6.5.1 Partnership with parents - early childhood services

There is a long history of debate about working with parents in early childhood services, particularly in early education. The idea of partnership was first developed in the sphere of 'involvement'. Smith (1980), reviewing the development of the concept of parent involvement in preschools, argued that parent involvement was seen as beneficial on the grounds of both promoting educational outcomes for children, and in line with ideas about consumer participation.

The Plowden Report (1967) into primary education was a key proponent of parent involvement in early education. Parent involvement was seen as particularly useful as a vehicle for addressing pupils' educational disadvantage, itself seen as at least in part arising from social disadvantage. Smith argued that in what she termed Post-Plowden orthodoxy 'parental involvement in the work of the school, and better communications between parent and teacher [were seen as] a good thing' (Smith, 1980:23).

The concept of parent involvement in education services was developed and evaluated as part of an action-research response to the recommendations of the Plowden Report (Smith, 1975). Parent involvement was seen as linked to the idea of the child as part of a wider social group in which the formal education system played only a part: the aim was to increase educational involvement in homes, rather than bring parents into schools. To this end a home-visiting scheme was implemented, in which the successful characteristics of the visitor were defined as a lack of bias, an unpatronising, nonjudgemental attitude, an ability to listen, be sensitive and not to probe into private affairs (Smith *et al.*, 1975:165). These attributes are similar to those defined by Daines *et al.*, (1990) and Pugh *et al.* (1987) as relevant to successful partnership (see 5.8.3.1).

However, Edwards (1989) argued that preschool home-visiting projects use notions of participation and partnership as a chief vehicle for attitudinal changes among mothers to

promote the child's development through an improved mother-child relationship. But limitations to this approach were noted: different perspectives were held by mothers and workers on the benefits of the scheme; and mothers' participation in the management of the scheme was not in evidence, further limiting the potential to address the mothers' wider social skills (ibid, 1989:178).

The idea of parent involvement in preschool services was also advocated by the Brimblecombe Report (DHSS, 1980a). This report argued that a role for parents is essential in these services and that a 'better understanding.. (between).. parents and professionals is the only sound basis on which services for the under fives can be developed in the future' (DHSS, 1980a:19).

Smith (1980) summarised what parent involvement in early education actually meant in practice. There were five types of involvement: first, actual teaching along with the professional teacher; second, doing practical chores such as clearing up; third, servicing the group with fundraising and helping at specific events; fourth, an approach based on 'openness', inviting parents to come into and stay in the classroom; and fifth, parental involvement in management. These types of involvement suggest a range of roles, from a fairly limited servicing role to an influence on management.

Ferri and Saunders (1991) traced the application of the concept of parent involvement to day care services, and argued that the concept had been broadened in meaning by the experience of the playgroup movement which challenged the 'notion of a professional monopoly of knowledge, skills and expertise in promoting child development' (Ferri and Saunders, 1991:8). They argued that parental involvement in public day care was not so much about parental involvement enhancing child development as about viewing the parents as part of the problem which made day care necessary and parental presence was seen as a prerequisite to addressing these broader issues. 'For some families, attendance at a day nursery or family centre would be a requirement imposed by the local authority social services department in the exercise of its responsibility for child protection' (ibid.).

Parent 'involvement' in early childhood services has been interpreted according to the goals of the specific services: in preschools, involvement was thought to promote improved outcomes for children; in day care, involvement was seen as promoting family responsibility for childrens' health and welfare. The idea of partnership, although often seen as interchangeable with 'involvement' (cf Rumbold Report, 1990), suggests a further development of the concept. 'Partnership' suggests extending 'involvement' to include 'working together' over a specific problem or child, pooling knowledge, and recognising parental expertise as a resource to be valued rather than a solely a source of information (Ferri and Saunders, 1991).

Pugh (1985) argued that the key issue in implementing a policy of partnership with parents in early years services is the 'change of emphasis on the role, training and attitudes of professional workers' (Pugh, 1985:6). It is a matter of workers redefining their 'attitudes' towards parental involvement to allow them to contribute to the services, and of developing training programmes for preschool workers to enable them to 'work with' parents once equipped with better listening skills and are more able to accept different values from their own. Pugh identified various obstacles to achieving 'a real partnership' such as adequate time, staffing resources and skills, whether the overall philosophy of the scheme was conducive to a partnership approach and whether parents wanted this style of service, but argued that it is a worthwhile goal (Pugh, 1985:8).

Ferri and Saunders (1991) supported the difficulties of adjusting the professional roles identified by Pugh. They also added that further difficulties may be posed for parents in being asked to adjust their roles and behaviour in a day care setting, particularly when parents are attending the service precisely because of a perceived failure of parenting skills as in the case of welfare oriented public day care services.

On the basis of evidence of the difficulties of working with parents experienced by playgroup workers (and documented earlier in 6.2.2.3.4), Brophy (1994) questioned the principle of partnership with parents. Examining playgroup leaders' reports of the practice of parent management committees, Brophy found that 71% of leaders had negative views

of their functioning (Brophy, 1994: Table 2 (ii)). Despite supporting the ideal of parent involvement, parents were reported to be reluctant to take on roles of responsibility on the committee, and the study found that roles and tasks were concentrated among a very few mothers. In addition, leaders reported undertaking too much of the administrative burden and would have preferred to pass this on to the committee, releasing them for work with the children (Brophy, 1994:175-6). The structural conditions of playgroup work were predicated on a model of parent involvement in a self-help voluntary sector tradition, but this study showed that only certain groups of parents were involved (largely mothers from white, middle-class backgrounds), and that the supply of these mothers could not be assured in the light of macro economic changes to mothers' employment documented in 1.3. Not only would it seem that partnership as parent involvement in playgroups as a model is difficult to effect in practice, but the resources for doing so (mothers' availability) would appear to be disappearing.

In sum, it would appear that the laudable aim of working in 'partnership' with parents is beset with difficulties arising from differing meanings of partnership employed in different settings with different goals for the partnership.

6.5.2 Refining the definition of partnership

The meaning of partnership in practice relates to its context as noted in 5.8.3.1. In early childhood services, ideas about partnership have been debated in terms of both consultation over individual children and participation in running the service. Central problems in realising partnership appear to be that to be meaningful, partnership depends on a relationship of 'structural equality' and a consensus about the issues over which partnership will be attempted.

When we turn to the meaning of partnership in child protection work, it is apparent that the relationship between mothers and the welfare state, between the welfare state and day care and between day care and mothers is complex. Different parties hold different access to resources such as legal advice and resources, support from bureaucratic organisations

such as SSDs, or simply access to an advisory officer in the event of misinterpretation or dispute. Differential access to such resources suggests that 'partnership' does not exist on the basis of an 'equality' between the parties concerned, and is thus a problematic concept, likely to be fraught with difficulties in implementation. The *Challenge of Partnership* (DoH, 1995c) recognised resource issues and agency practice as a critical ingredient of partnership, but only addressed these in relation to the public sector. It did not mention how independent day care providers can be enabled to work in partnership with parents.

Daines *et al.* (1990) argued that partnership is an essential but unachievable aim, and should be dropped in favour of 'maximum feasible participation' with parents and 'extensive collaboration' with other agencies as more realistic goals. Thoburn *et al.* (1995b) similarly concluded that partnership with families in the early stages of child protection work may be too ambitious, and that the aim of 'involvement' of families (over plans for individual children) may be more appropriate.

In this context, the notion of partnership in the Children Act 1989 and in its accompanying guidance can be seen as a mechanism through which relationships are reconstituted. The rhetoric of partnership does not compromise the central goal of child protection, but provides a method of intervention and a way of defining goals in working relations. It promotes a strategy for working with parents and with voluntary organisations that appears amenable to negotiation and discussion. Fundamentally, it is an attempt to give weight to the issue of a better balance of rights and responsibilities between the parents and the state when making decisions about children's lives and children's services.

6.5.3 Day care, child protection and partnership

The prospects for partnership in independent day care services rely not only on policy initiatives but also on the use made of social relations between parents and providers, as explored in 6.2. Childminders and playgroups are characterised by essentially informal,

trust relations, while those of day nurseries are more contractual: in virtually all cases social relations are mediated by the mutual experience of motherhood and notions of caring are underpinned by that experience. Experiences in common may lend a potentially fruitful avenue in which to establish common goals necessary for working in partnership. But applying the concept of partnership to the task of implementing the child protection policy may introduce new dilemmas into day care providers' working relationships with mothers/parents.

A central dilemma might be the potential for disrupting established relationships between mothers and day care providers through a suspicion, and reporting, of child abuse. I argued earlier that these relations were critical to the success of daily transactions in day care. It remains questionable whether the model of training and reformed 'attitudes' of day care workers advocated by Pugh (1985) would be sufficient in itself to enable day care workers to retain the trust and confidence necessary to their working relationships with mothers/parents in the event of a report of suspected child abuse. Other research clearly demonstrates it is not simply a matter of reforming 'attitudes' (Brophy, 1994). It is perhaps more likely that the event of reporting suspected child abuse by a day care provider will render partnership doubly problematic.

Second, introducing an assessment and monitoring role for independent day care providers into a context that relies on informal trust and sometimes even participation by mothers may prove problematic. Bearing in mind the conditions of work noted earlier in independent day care services several problems might emerge. For example, how would day care providers decide the significance of a particular behaviour or potential signal of abuse? Where would they note down details? How do they ensure confidentiality is maintained? What is the role of parent-led management committees in the process?

Third, an essential aspect of partnership between day care services and parents is the sense that parents enter into a day care service voluntarily. Theoretically, mothers/parents are at liberty to select and choose the service of their choice and they can withdraw their

child at any time²⁹. Child protection responsibilities, however, can potentially undermine this tradition. In these circumstances, the balance of authority and control shifts to the 'expertise' of the day care service. By investing the day care worker with the responsibility to assess and monitor an individual child, it is expected that a judgement will be made about the health and development of that child and by implication the care provided by the mother/family.

Such a judgement of the child's health or behaviour can lead to a decision about whether to call upon further 'expertise' from health visitors or social workers. If a decision is taken to request advice from social services or other health agencies, subsequent events (for example, a child protection investigation) may take the matter beyond the authority and control of the day care provision. By invoking a request for help or advice from the statutory sector, the relations between mother and day care facility are put at risk, could be potentially disrupted or even damaged, and possibly difficult to resume at a later date. Fear of loss of trust may be a general problem with child care professionals, but the impact of disrupted social relations may be particularly severe in the case of independent day care, where providers depend only or largely on informal support and informal social relations.

Partnership, then, depends on agreed aims and objectives about the service delivered. While this may be relatively straightforward in respect of general day care, articulating the roles and tasks of child protection in advance may be more difficult for day care providers, especially in the absence of written contracts. Moreover, such an agreement may not be available to either day care provider or mother/parent at the point where a formal child protection investigation takes place, involving external agencies, who may then assume responsibility for the management of the case. It may be that both day care provider and mother feel powerless in these circumstances.

²⁹But Owen and Moss (1989) argued that 'choice' is in practice very limited. In addition, Van der Eyken (1984) reported that parents of children in local authority day nurseries are often required to sign contracts of attendance, which may constitute a formal restriction on their 'choice' to leave a service.

6.6 Relative perceptions of 'abuse'

In Chapter Five I noted that professional practice in the arena of child abuse varies. I noted that within the constraints attempted or imposed by the judicial system, definitions of abuse and thresholds of intervention are interpreted in different ways by different professions and even within professions. This 'relativity' has been explored by Gelles (1987) and his analysis has implications for the role and response of day care providers. Gelles argued that defining a behaviour or physical or emotional symptom as indicative of 'abuse' is relative to the training, norms, and professional procedures of the agency concerned. He stated 'knowledge about the causes of child abuse and suggestions concerning possible intervention strategies are strongly influenced by the actions of those agencies which serve as gatekeepers for suspected cases of abuse' (Gelles, 1987:66).

Gelles accounted for differences in perception of abuse by referring to the 'occupational and organisational mandate' held by any health or welfare or community agency. Thus, where an agency saw the identification of child abuse as part of their role and area of expertise, they would be more likely to 'see' it and to then report it. He further argued that relative 'occupational power' is significant in the likelihood to report abuse. Thus he argued that members of high status occupational groups are more likely to report cases of suspected abuse than members of occupations without a mandate or expertise in the area of child abuse, or without significant 'occupational power' (ibid., 1987:68). This perspective would suggest that day care providers, who as we have seen have very little professional recognition, have little occupational power.

Following the above argument it would appear highly likely that the perception and practice of day care workers will vary in relation to child protection responsibilities. But Gelles also argued that the role of day care services, as a community 'gatekeeping' agency is critical in defining abuse (1987:64). In a real sense, a day care worker (or other worker covered by the procedures and guidance) can 'choose' whether to 'see' symptoms of 'abuse', and then to decide whether the symptoms 'exist'.

Factors that could interact with the propensity to 'see' abuse may be the level and extent of training in child abuse awareness, the extent to which there are formal contract relations in place between provider and parent, the degree of confidence in the SSD to handle the report sensitively, and the extent to which a support service exists for the day care provider. These will be explored further in relation to my study of practice (Chapter Seven, 7.3). But it may be that if a day care provider is willing to 'see' abuse, they are signalling a willingness to transgress the normative rules which prescribe trust relations. If such transgression threatens the trust basis of a day care arrangement, it may be that day care workers are unlikely to 'see' or identify and/or to report cases of suspected abuse. Dilemmas further occur when dealing with abuse, but they may also occur right at the start of the process of recognition of the problem.

Variations in perception of child abuse and practice in reporting may be as inevitable among day care providers as among professional welfare workers, but, given their personal and 'everyday' relationship with mothers/parents, even more difficult to resolve to the satisfaction of all parties. Furthermore, there may be differences between day care services themselves. Childminding, playgroups and day nurseries all hold differing social relations with parents (see 6.2), and this may lead to even greater differences of practice and perception.

6.7 Differential participation in the child protection system

Finally, there may be a problem for the day care worker in participating in the formal child protection system of investigations and conferences.

Early perceptions of the system of child protection conferences being a flexible and responsive tool (DHSS, 1974a) gave way to the realisation that multiagency conferences combining multiple professional perspectives were potentially unwieldy instruments. Various problems with the multiagency system have been noted by Hallett and Birchall

(1992). First, multiagency attendance has been a continuing difficulty³⁰ (Hallett and Birchall, 1992). While social workers and health visitors were always or nearly always present, GPs and hospital doctors were more erratic attenders, and the attendance of police personnel, who might inadvertently be party to incriminating information has been a subject of some debate. Subsequent to the Beckford and Cleveland Reports, police are generally regarded as central participants and earlier concerns about their role has largely dissipated (Hallett and Birchall, 1992:280).

Teachers and other childcare workers were also noted for their absence in the literature: either because they were not invited (in the case of childcare workers) or being unable to release staff from classroom teaching (in the case of teachers) in order to attend conferences (Hallett and Stevenson, 1980). The problem of arranging cover may also be particularly relevant to childminders and other day care providers. In addition, for day care providers there may be problems caused by the location of the conference, by transport costs and by the availability of transport for day care providers.

A second problem arises from the differing professional perspectives and priorities of attendees (Hallett and Birchall, 1992). The wide variation in occupational status between day care providers and some participants (see note 25) for example, may inhibit the contributions of the former, who may feel her views will not be valued.

Third, the size and complexity of the conference system has arguably increased with the advent of parental attendance recommended in *Working Together*. This policy move provided an opportunity for family members and professionals to 'share and evaluate the information gathered during a (child protection) investigation' (Home Office et al, 1991:6.5). Research has indicated the problems and possibilities of this policy approach (Thoburn, *et al.*, 1995a; Cleaver and Freeman, 1995), and it has been further endorsed through the policy document *The Challenge of Partnership* (DoH, 1995c). Research

³⁰*Working Together* states that the following agencies should be invited to child protection conferences on a 'need to know' basis (i.e, where they have salient information to contribute): social services; NSPCC; police; education; health authority; GP; health visiting service; probation service; appropriate voluntary organisations; representative of the armed services where there is a Service connection (1991a:6.25).

indicates that parents are more likely to be invited to attend part than all of conferences, but at the time of Thoburn *et al.*'s fieldwork (1990/91), nearly a third were not invited at all. For the day care provider, the informal, trust based, service type social relations may be particularly under threat by attending a conference where the parents are present (issues are addressed in 7.3).

In summary, differential participation, in terms of attendance and contribution, is a endemic problem for the conference system in general. Although little is known about the contribution that independent sector day care providers make to such conferences, it is possible that the difficulties highlighted by other professionals may be exacerbated for day care providers, given the conditions of work and the trust relations with parents in their particular structural context.

The central issue is that of the private and voluntary (nonstatutory) sector joining systems devised primarily for the public, statutory sector. The ethos, priorities and material resources of each sector differ. Of relevance here is the comment made in a summary of child abuse inquiry reports, that the views of day care staff were not always taken sufficiently seriously during the protection conferences (DoH, 1991d). This might suggest that other professionals do not regard day care providers as having a 'proper' role to play in the conference and lack of confidence in them, and might mean that day care staff would find attendance at conferences intimidating. All childcare agencies would place the child's 'best interests' as the centre of their concern, but beyond this, additional considerations may be important. For example, for nonstatutory agencies factors such as loyalty to the community, parents and the commercial viability of the services may affect decisions about whether to report cases of suspected child abuse or whether to attend meetings, or whether to contribute to local policy (as recommended in *Working Together*, paras. 4.41; 4.42).

Although considerations may exist for statutory services, such as public perception of their performance, institutionalised structures exist which can protect the agencies (although not always the individuals concerned). These different institutional bases

necessarily introduce different methods of perceiving, and communicating about, the priority given to the issue of child abuse. For example, if a playgroup leader has a suspicion or worry about a child, she is also likely to have poorly developed, if any, facilities for confidential record keeping (Brophy *et al.*, 1992)³¹. It is possible she may prefer to 'have a quiet word' with a health visitor on an anonymous basis and remain watchful, to see how the situation develops. Vernon and Smith (1994) similarly found that record keeping within private and voluntary day nurseries is poorly developed. The absence of a tradition of formally recording children's health and behaviour may inhibit the likelihood of accurate and pertinent assessments being made of children, and of being passed on to other child welfare agencies. A local authority day nursery, on the other hand, may have strict guidelines about reporting a similar situation to the social services department immediately, as Penn (1997:89) noted .

6.8 Conclusion

*

This chapter has charted and analyzed the policy environment for welfare roles within day care services. It has also explored the particular working environment for independent day care providers. Day care policy developments in the period since 1997 have reversed the earlier policy neglect, but have not yet resulted in a comprehensive reappraisal of the purpose and ethos of day care overall (Moss, 1999; Statham *et al.*, 1999). Day care is seen as servicing other political objectives (such as facilitating mothers' employment) rather than, for example, a citizenship right of young children (Dahlberg *et al.*, 1999). In particular, recent policy measures to address the welfare of young children include day care services (such as Sure Start) but do not seem likely significantly to expand the availability of independent day care services to young children (Statham *et al.*, 1999). Research indicated that the implementation of the Children Act for young children's day care services did not lead to a broadening of the definition of need, nor did it lead to an expansion of service availability. What it did lead to was a formalisation of the links between local authorities and day care services, making contact

³¹Many playgroups operate from rented church halls or similar temporary shared premises which do not provide secure accommodation for confidential information (Brophy *et al.*, 1992).

with the local authority more remote and infrequent. The theme of formalisation was also seen in the requirements in *Working Together* set out for day care providers' role and responsibilities in child protection.

This formalisation took place in very particular structural contexts existing for independent day care. Research indicated that these services are largely characterised by having poor conditions of work for 'employees' (few having contracts of employment, or employment benefits such as sick pay), being poorly paid and for low coverage, and level, of relevant training and qualifications. Furthermore, the services have few developed means of institutionalised support for their workers. The social relations with parents were characterised as being largely dependent on informal trust relations. Some differences between the three types of service were indicated. For example, relations between day nursery providers and parents may be more formal, with a greater use of contracts to help define their social relations. In addition, the mutuality of motherhood status between providers and 'parents' was noted. This provides for a shared basis of normative assumptions about what caring constitutes, but also potentially presents difficulties if views and experiences differ. For example, such a mutual status, with the implicit assumption of agreement about what parental or nonparental care is, may present difficulties in identifying and reporting suspected child abuse, and working in 'partnership with parents', the latter identified as a continuing and key policy objective in both early childhood services and in child welfare/protection work.

This chapter further argued that independent day care providers were likely to have internalised the discourse of child protection and to acknowledge the importance of addressing suspected child abuse in their work, although they were likely to come across examples of it relatively rarely. Internalising the discourse of child protection could mean day care providers accept that 'expert' knowledge about child abuse exists, to which they could potentially refer. Through such internalisation, day care providers have become integrated into the surveillance of families, for the role of child protection agency requires them to identify and report suspected incidences of abuse. At the same time, the regulatory provisions of the Children Act mean that day care providers themselves are

surveilled, to ensure that their provision meets specified standards. Research has indicated that some of these standards (such as specified space and safety equipment) are more readily quantifiable than others, such as 'warmth of care'.

The position of independent day care providers with regard to their agency and spheres of personal authority was also identified, and I suggested that providers may have less agency and authority when seen in relation to other professions carrying out child protection responsibilities. For example, day care providers were seen to have a marginal occupational status at child protection conferences, where they were not always invited and their views were not always taken seriously. However, in relation to their personal sphere, whether domestic homes, playgroups or institutions, providers may hold far greater agency and authority, with control over admissions, daily practice in caring for children, a lack of choice of services for parents, and practical difficulties in implementing philosophies of parental involvement, all potentially contributing to providers' control over, and definition of, their particular area of expertise - child care.

This analysis of providers' structural context using concepts developed in Chapter Three enabled me to identify potential problems for day care providers in implementing child protection policy around working in partnership with parents, around perceptions of abuse and around participation in the formal child protection system. Analysis of contemporary policy developments showed that policy addressing day care has not traditionally emphasised universal accessibility as an objective of day care, but has focused on the availability of a remedial day care service for children in need. However, calls for an expansion of day care services to service the objective of the prevention of child abuse have emerged, most recently by the National Commission of Inquiry into the Prevention of Child Abuse. One of the recommendations of this report was for 'universally available day care. This will not only provide support to families but also opportunities to ensure that children are safe..' (NCIPA, 1998:26).

However, day care policy has not capitalised on this policy support from broad child welfare reports. Rather, expansion in day care occurred in the light of increases in

maternal employment, belatedly supported by government policy (DfEE, 1998a). But the analysis of the development of a policy for day care services undertaking a welfare role identified a historical assumption within government reports that day care services both should and could perform such a role. Over the period 1974 - 1991 this role has been refined from a general preventive role to a role with more specific child protection responsibilities in line with the guidance *Working Together*. My concern has been that this refinement has taken place without a consideration of the critical differences between the statutory sector and the private and voluntary sectors, differences which are made explicit through my examination of the structural context of day care services.

In summary, this chapter has demonstrated that the child protection policy has shifted to one that requires day care providers to transgress their traditional roles of serving a local community with play, care and education services, and to undertake the surveillance of children (and mothers). It imposes additional and potentially problematic requirements upon their working lives. The next chapter will explore their views and experiences to address the effectiveness of the implementation of the policy and to debate the appropriateness of the policy.

CHAPTER SEVEN

POLICY INTO PRACTICE - THE EXPERIENCES OF DAY CARE PROVIDERS

7.1. An examination of views and experiences

The third element of the study of child protection policy and day care practice is an examination of the views and experiences of registered day care providers in the field of child protection. The chapter builds on the historical and contemporary policy analysis in the previous two chapters, and explores themes I identified as relevant such as protection and prevention as aims of child welfare policy, on partnership with parents as a policy objective, and working in an interagency system and the problem of different perceptions of abuse. I will also explore the impact of notions of idealised motherhood, first on the content and status of training, and second on contemporary social relations deployed between mothers/parents and providers.

The chapter uses survey and documentary data I have collected for three purposes and is divided into three parts. In the first part, the sample of providers' perspectives on aspects of caring through observational skills is examined. This discussion provides a context for the subsequent exploration, in the second part, of the extent to which providers' experiences and activities match the national child protection policy for such workers, as stated in *Working Together*. Third, I discuss some issues and dilemmas that arise for day care providers if and when they participate in the child protection system, and particular reference is made to experiences of child protection investigations.

7.1.2 The sample

The methods and sources of data used for this chapter have been described in detail in Chapter Four. In addition, Appendix 6 gives details of the sampling procedure and the interview schedule can be found in Appendix 7. To reiterate, the main source of interview data was interviews with 49 providers of day care in the registered private and voluntary,

(or independent) sectors, comprising 24 childminders, 16 playgroup leaders and 9 day nursery managers, according to a prepared, semi structured schedule. These providers were drawn at random from the lists of registered providers in two local authorities. Table 7.1 summarises the type, range and managerial structures of day care service included within the sample of providers. The childminding service was available for the children of working parents, on a full year basis, for a small number of children per minder, usually two or three. Two thirds of this group worked less than 35 hours per week. Although six of the childminders interviewed had had experience of looking after children sponsored by the SSD, only two were doing so at the time of interview. All the childminding was run by individual women (who were also mothers), from their domestic homes.

The playgroups opened for shorter hours, mostly during term time, and a higher proportion of the groups had experience of taking sponsored children, although there were no groups taking these children on a regular basis at the time of interview. Five of the groups were run by private individuals, while 11 were run by a voluntary parent-led management committee. Last, of the nine day nurseries, three were run by officers-in-charge in conjunction with a further education college (2) or a high school (1). They were run on a self-managing, not for profit basis, with financial and supervisory support from the college. They had been set up by the college or school in order to both provide a training resource for the caring courses run by the college and provide a facility for the children of students and employees of the college/school. Students were able to obtain places at reduced rates at all the nurseries, and, in addition, children of local working parents could access any surplus places.

The remaining six day nurseries were all privately run and financed by parental fees. Seven of the day nurseries had taken sponsored children in the past, and although one of the three college based nurseries had a manager with considerable previous experience of caring for children in need and children at risk, this type of work was not considered

part of the everyday remit in the college nursery¹.

In summary, 35 of the services in this sample were in the private sector (24 childminders, five playgroups and six day nurseries), and the places available were in the main for children of working parents, although a small number were used by children whose places were sponsored by the local SSD, or whose places were subsidised by their local college. The children who attended playgroups were not necessarily of working parents, although, as the hours were shorter than in the other two types of day care, working parents could rarely rely on playgroups as a sole source of care. Table 7:1 provides a summary of the services and their managerial arrangements included in the sample.

Table 7:1 A profile of the sample of registered day care services

	No of children attending	No of services opening		School term time only?	Fees £ per child	Services ever had children who were	
	range	over 35 hpw ¹	35 or under		range	Sponsored by the local authority	on CPR
Childminders (N = 24)	0 - 9	8	16	No	1.25 - 2.00 per hour	6	3
Playgroups (N = 16)	17 - 103	none	16	Yes (bar 1)	1.20 - 7.50 per session	11	7
Day Nurseries (N=9)	40 - 118	8	1	No	5.00 - 18.00 per day	7	6

¹ hours per week.

¹The manager's employment experience was as a foster parent, as a nursery nurse and senior nursery nurse in schools and social services day nurseries where she said they were 'dealing with 'at risk' children, poor housing, one parent families needing time out, extra stimulation [for children]'. By contrast the present nursery she ran was 'for children of working parents - middle class children ... what I'm doing is completely different ... initially very interested in 'quality care' ... I'm trying to provide stimulation to cover all areas'.

Table 7.1 Continued - managerial arrangements

	Where based	Management	Intake of children	Use of contracts with parents	
				Yes	No
Childminders (N = 24)	Domestic premises	All privately self-managed/ employed	Working parents except few sponsored by SSD	19	5
Playgroups (N = 16)	Rented premises ¹ - 11 Rented within school grounds - 3 Private house - 2	Management committee - 11 Privately owned - 5	Local	3	13
Day Nurseries (N = 9)	College premises - 3	Officer in charge (with College) - 3	Students, employees of college, working parents	9	0
	Purpose built - 3 Adapted private house - 3	Privately owned and managed - 6	Working parents		

¹ rented premises were usually shared with other users.

In Appendix 2, I provide some details of the background characteristics of the sample of day care providers. In common with other studies of day care providers (see Chapter Six), all the respondents were women, and all bar one were mothers. Furthermore, again like other studies, childminders were the least likely to hold qualifications relevant to childcare work, while most playgroup leaders held a PLA qualification. The day nursery managers were either NNEB or PLA trained, or held a teaching qualification. Appendix 2 also details the voluntary and paid work experience of the provider sample. All the respondents had considerable experience of caring work prior to their present employment. Their motivation to enter child care work was strongly connected to their status of motherhood: they wished either to remain being home based and wanted work compatible with their domestic commitments (in the case of most playgroup leaders and childminders, or they wanted work which would readily combine these two sets of commitments (in the case of day nursery managers). These characteristics suggest that this sample of day care providers are broadly similar to day care providers in general (eg., Moss *et al.*, 1995). It is likely, therefore, that

the comments and perceptions of this sample will be in many instances typical of workers generally in this sector of employment.

A secondary source of interview data in the two local authorities visited was drawn from interviews with social services managers with responsibility for child protection and for day care services, and representatives of the relevant voluntary sector organisations to ascertain their views on child protection and day care services. A summary of respondents can be found in Chapter Four, Table 4:3.

7.2 Caring for children through observation

The care in caring was understood not just as a daily human activity involving physical tending or assistance but also as social processes involving a relationship between carer and cared for. Observation of changes in children was viewed as an aspect of caring in that it provides information which can help build the relationship necessary for caring. The main themes to emerge were that providers saw the children as individuals with differing needs and observing these differences was an important part of their job as carers.

Providers were asked about the kinds of things they noticed about the children on a daily basis. Some providers (16/49) claimed to be able to notice 'any' changes in the children cared for. Childrens' individual needs and difference from their peers such as their health (or signs of ill-health), and behaviour, of which childrens' 'moods' were most frequently noted (10/49), were reported as one main area of observation by providers. Another was the physical appearance of the children, and how clean or dirty they were, whether there were any signs of injury such as bumps or bruises (7/49).

Some providers referred to information necessary to assess changes in children's behaviour or wellbeing, such as changes to household structures through divorce, or the arrival of a new baby, or moving house. Through this kind of information, arguably, regulation of care and parenting occurs. For example, definitions of what is 'normal' and 'abnormal' both for the individual child and for the group of children become established in the providers' working practice. 'Care' for day care providers becomes the ability to identify, and respond to, individual characters and discrepancies on a minutely detailed basis. There is a clear parallel here with the normative assumptions held about mother-care, which also treats each child as an individual whose individuality or difference is key to the nurturing process. Parallels may also be drawn with the principles of assessment in the child welfare system, which also relies on concepts of the child's needs and best interests for which it will elicit detailed information about aspects of character and behaviour in order to form a judgement (The Children Act s.1(3); s.17 (10); DHSS, 1988b).

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Some differences between the three provider types emerged in what and how observation was done. For the day nurseries, the process of noticing or observing was more formalised than in the other two types of care. The keyworker system was a central tool in observing and recording children's physical and emotional state. One manager said 'we have a key worker system - they notice if there is a pimple different to (sic) yesterday. Each keyworker is in a team of four and they refer to each other constantly'. Another manager elaborated on this model: 'any behaviour in character, attitude, normal way of responding, lack of appetite, physical marks we can't account for, change in colour. The keyworkers are a strong force and are aware of any changes. I talk to the staff about all the children, where they are and where they are going'.

For the childminders and playgroup leaders, the personal relationship with children was much more often mentioned as the key tool in observing them, and assessing the significance

of any changes than formal systems of observation and recording information. For example, one childminder said: 'our job is more one to one so you get to know them as individuals and it's possible to identify any change'. The personal relationship was not just knowing the child and their family individually, but as a result of this, having an intuitive sense of the emotional wellbeing of the children. For example, a playgroup leader said 'we pick up if something's happened before they come in'; one childminder said 'I can pick up when they are sad'; and another said 'I can look in their eyes and sense what is normal for that child'. Care through noticing children, was, for these providers, about being sensitive to the detail of particular states, and, especially, 'moods' in children. Continuity of characteristics and behaviour was regarded as a sign of children's wellbeing: conversely, sudden changes in children's behaviour or temperament would indicate a cause for a day care provider's concern, and something to be investigated further, also suggesting that they regarded caring as tending to the individual and their particular individuality.

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Again, parallels can be drawn with the reported practice of providers' 'care', attending to the individual, and accentuating difference and lack of continuity, with the principles of child protection practice, drawn from the Children Act's emphasis on investigating individual children's circumstances and meeting individual children's needs. Arguably, the care provided by day care has internalised and integrated the central concepts and concerns of the discourse of child protection (for example, noticing bruises as a possible sign of child abuse). But the emphasis on individuality and meeting needs also implies trust relations with children and parents, particularly when care takes place in small numbers, or over a long period of time. This may not serve providers so well when it comes to participation in the formal child protection system. Having presented some data which indicates providers' perspectives on aspects of caring, the next section will examine how providers' work in the light of the written child protection policy.

7.3 The evidence for a national policy in practice

The analysis of the evolution of welfare and protection roles in day care services in Chapter Six suggested that a process of formalisation of the roles and tasks of day care providers had taken place, represented in the policy document providing the principal background to this study: *Working Together*. The paragraphs of policy are given in full in 6.1 so here I will remind the reader of the central points against which the evidence from providers and local authorities will be examined. *Working Together* made five key points about day care providers' child protection work. The document stated that 'all those providing [day care] services and childminders [should be] informed about what to do if they are concerned about a child' and this should involve, first, 'awareness training so that staff can recognise at an early stage the signs and behaviour which are a cause for concern'; and second 'agreed procedures for contacting the local authority social services department about an individual child'. The third key point was that day care providers' role was to help children directly and monitor their care at home; for which, fourthly, proper support was seen as important. Fifth, and last, the local authority should ensure that day care providers are enabled to 'contribute to child protection procedures and to the work of ACPCs where appropriate' (*Working Together* Home Office *et al.*, 1991: 4.41; 4.42).

The five key points highlight the clear and specific role for day care services in the identification and monitoring of children 'at risk'. Indeed, it is possible to distinguish between two types of child protection role. The first is a formal protection role where a place is requested by the SSD, or where the case evolves during placement to include a network of welfare professionals; the second is a community gatekeeping role, where the provider has a responsibility to identify behaviour causing concern and then make a decision about whether to report it. The terminology used in the written policy incorporated both types of role. It stressed that day care services have an 'important part to play' in the identification

process, and that their role is 'crucial' and 'essential' in monitoring children's care at home. The five elements of policy also suggest that relations between day care providers, and local authority officers that day care providers might come into contact with in the course of child protection work, such as under eights advisers and child protection social workers², are formalised (through training, and agreed procedures for practice). I will examine each element in turn and present the perspectives of the providers, and, where relevant, their representative organisations and the local authority officers on this policy.

7.3. 1. Awareness training for day care providers

The purpose of awareness training, according to *Working Together* is to enable staff to recognise 'at an early stage the signs and behaviours which are a cause for concern' (ibid.). *Working Together* suggests that it is the responsibility of local authorities to ensure that day care services have access to such training in the signs and symptoms of abuse. The intention appeared to be to improve the community gatekeeping or preventive skills of day care providers through early recognition skills gained at training courses. Thus the day care facility is not seen as a mere safe location for children in need or at risk, but attention to the staff's skills was seen as a method of familiarising them with the particular characteristics of suspected child abuse to enable them to act if they are concerned about a child.

I noted in Chapter Six how the general level of training and qualification among day care providers was not high and, how, subsequent to the Children Act, there had also been a debate about the relative weight given to training and experience (see, for example, DoH, Circular 1/93). In particular, training for groups of workers where the work was based

² 'under eights advisers' is the term used here to cover a wide range of job titles but refers to local authority officers with responsibility for regulation and, usually, support of day care providers. These inspection officers were seen by respondents in the day care study as having a separate role from that of social workers, who had responsibility for individual children, and for the immediate response to cases of suspected child abuse. Table 4.3 showed that the two local authorities also employed some officers with development functions, one of whom was an early years support worker.

on a 'natural' aptitude for the work, such as childminders who relied on their motherhood experience, presented potential difficulties as training may be seen as irrelevant, or conflicting with their own values about caring work. However, the culture of training may be changing within day care, with perhaps a greater receptiveness to training. Subsequent to the Children Act, some local authorities had formalised their links with day care providers through providing training courses rather than *ad hoc* support (Moss, 1997:115). For example, a childminder in my sample alluded to these changes when she said 'the Under Fives Officer used to pop in but you don't see the Inspector at all now'.

This emerging shift may enable a clearer separation between the regulation and provision of day care services, and potentially a more formal recognition of the role and skills of day care providers. For example, one of the two local authorities in my sample had introduced a policy of requiring each provider to complete 16 hours of training per year. However, some providers in this local authority found this ^{*}hard to achieve. Consistently cited problems in completing training were practical matters such as time and distance, particularly in rural areas. In addition, some resisted the policy, seeing training as irrelevant to their skills and level of experience. For example, one childminder said 'to be honest I can't see the relevance. To me it's common sense to talk to children' and another said 'personal experience with children counts for a lot'.

In this training climate, of emergent interest but practical difficulties and perhaps resistance, the extent to which this sample had received awareness training in the signs and symptoms of child abuse was not great. Only a quarter of the providers interviewed had received such training (13/49), with staff in day nurseries and playgroups more likely to have done so than childminders. Such training was also more likely among those providers who already had higher general levels of child care qualification. In response to a question about what training they would like, there was some interest, particularly among playgroup leaders and day nursery managers, in receiving some awareness training. Four playgroup leaders, two childminders and three day nursery managers (9/49) stated that they would like training in awareness of child abuse and child protection

procedures. This total of nine requests compares with six requests for training in first aid, ten requests for child development, and four requests for training in multicultural activities. In sum, 22/49 providers either had had training or wanted training in awareness of child abuse/protection, but 27/49 had not had any training and didn't express any interest in further training courses in this area.

It is interesting to compare progress with developing awareness training in child protection with that in multicultural activities. This latter was given unprecedented emphasis in Guidance (DoH, 1991a:6.9, 6.10, 6.11). I conducted interviews at the same time as multicultural awareness was being integrated into the new inspection regimes, and providers in the areas I visited, particularly the rural areas, expressed some resistance to the ideas and principles on which multicultural training was based. For example, a childminder said 'I went on a multicultural training evening. It weren't too bad, they think you should have equipment. We have white children. There aren't any multicultural children around here to use the equipment with'.

One parallel perhaps to be drawn with child protection training is that multicultural awareness training is a new requirement, being introduced in areas where the relevance of the issue was not immediately apparent to workers, and where they expected or anticipated that the skills would only rarely be relevant to everyday practice. However, while there was no specific resistance expressed to the principle of child protection training, there was a contrast with the methods of ensuring that all providers were trained in the two fields. Whereas inspection officers had agreed a standard of acceptable awareness of multicultural activities, and included it within their inspection regimes, with the implication that failure to conform to these standards would threaten the outcome of the registration procedure, this method was not adopted with awareness training in the signs and symptoms of child abuse. This may be one reason to account for the relatively low proportions of providers who had received the latter training. There may, in addition, be further difficulties of using the inspection system to check on awareness, which I discuss below.

While awareness training in child abuse was not well developed, the providers did seem to be familiar with the discourse of child protection. For example, the providers were given a statement acknowledging the existence of 'illtreatment and neglect' among a 'sizeable minority of children' and asked 'what do the words 'child abuse' mean to you?' Responses suggested that providers were familiar with the categories of abuse and indicators of possible abuse employed by welfare professionals. None of the respondents were unable to answer the question about definition. While some providers gave such definitions as 'an unhappy child', and 'anything done to extreme continuously', others seemed familiar with categories of abuse used by welfare professionals. Among the definitions given, three main types of child abuse, physical, sexual and emotional or mental were mentioned by nearly all respondents (42/49 physical; 23/49 sexual; 40/49 emotional). In addition, expressions were used to define abuse such as 'neglected in any way', 'deprivation', 'mistreatment' and 'cruelty'. These are also familiar terms and means of categorising different types of abuse of children used by welfare professionals (Thorpe, 1994).

It might be argued, therefore, that in terms of governmentality, the regime of truth or discourse around child protection is not challenged by day care providers. In other words, there is an acceptance of the idea that child abuse exists, that it can be described with reference to terms such as those given above and which were also used throughout the development of child welfare policy as documented in Chapter Five. Most providers referred to abuse as occurring within a family context but outside a social or economic context. Only seven (of 49) providers referred to child abuse as 'social neglect' or being deprived of 'basics' such as food or heat. This suggested that most providers saw child abuse as an individual failure of parenting rather than a symptom of wider social problems.

Providers interviewed indicated that they held a general level of awareness of the

indicators of abuse used by welfare professionals. What might be the consequences of a comparatively low level of formal awareness training coupled with a widespread familiarity with at least the definitions or categories employed in describing abuse, with the discourse of child abuse? One consequence might be that providers feel that some types of abuse were more readily identifiable than others and this was confirmed by the study. For example, some providers reported being more confident in identifying physical abuse, than emotional or sexual abuse, which they thought might be more difficult. For example, one playgroup leader said abuse was being 'knocked about, covered in bruises, not wanting to mix. Sexually abused - maybe [I] wouldn't notice', and a childminder said 'physically abused, mentally abused - but I don't know if I would identify that. That's something we haven't had much on'. This last reference to a lack of input on 'mental abuse' suggests that this minder relied on external expertise to provide her with specialist information about child abuse in order to be able to identify it: it was outside her sphere of experience, and therefore training could be a significant element in enabling recognition and potential participation in the child protection system. Reliance on external expertise also lends support to the idea that day care providers have incorporated the idea of a role in protecting children into their practice, but are awaiting instructions on how to proceed.

Another consequence of a combination of low levels of training and a general awareness of the discourse of child abuse was the possibility of missing signs and symptoms of abuse. Eight providers (of 49) acknowledged that they may have missed signs and symptoms of abuse in children they had looked after, including one who explicitly stated that she did not report 'small amounts of abuse' because they were 'not serious enough'. Half of these eight had experience of reporting abuse, and half did not. A playgroup leader illustrated the difficulty of both under- and over- reporting suspicions of abuse when she said 'everybody can think they've missed signs and symptoms.. You can soon jump in with both feet.'. On the one hand, she seemed to be suggesting that under-reporting was an understandable feature of working in this area, and, on the other, she seemed to indicate that reporting too early would lead to precipitous judgements about

the child's health and behaviour. Another playgroup leader articulated the role of reporting cases of suspected abuse as a surveillance role: she said '[we] keep our eyes and ears open at all times. Something insignificant may have consequences'. Missing signs and symptoms of abuse could be seen as a failure of adequate surveillance of children's health and welfare; or, alternatively, it could be seen as a deliberate filtering system to avoid under- and over- reporting of possible signs of abuse.

There was also some evidence that some providers believed the children they looked after would not be abused because their social class background precluded abuse as a possibility, or because they were the children of friends. Eight providers (of 49) expressed this view. One childminder said 'I think I would notice [a child with symptoms of abuse, these children are] from good backgrounds - [it is] less likely in middle class families' and another said 'because they are friends' children and I see them in their home environment - never led me to worry about it'. These factors introduced another level of filtering of information about children that potentially contributed to decisions about whether to consider aspects of the children's health and behaviour as signs and symptoms of abuse.

A third consequence of low levels of awareness training might be that without such training, day care providers are susceptible to inconsistent interpretations of what constitutes 'abuse'. Other welfare professionals, with formal training, may also interpret signs and symptoms of abuse inconsistently (see Chapter Five; Dingwall, *et al.*, 1983). Thus, whilst training does not entirely eliminate inconsistencies in interpretation, it is potentially one contributory factor in establishing a common set of skills in interpreting signs and symptoms of abuse.

Although it would appear that there had been little progress in ensuring comprehensive awareness training for all day care providers, both local authority officers and independent sector representatives were aware of the need and some attempts had been

made to meet this. In Steeland, for example, the childminding representative had arranged for three courses in child abuse and child protection to be provided, following requests from both social workers and childminders. In the same area, under eights advisers provided preparatory courses for childminders, of which one third of the total hours were devoted to the subject. In Goldenside, the playgroup representative said they were:

'always asking social services for training in child protection because they change their procedures quite a lot and we want to know. In some [geographical] areas we are quite successful at getting that support through training - we expect that someone from social services will come and train us, but there's nothing in the [local] guidelines'.

There is a sense from the interview data with officers and representatives that they were committed to delivering awareness training, but the scale of the task of ensuring all providers were so trained was not only considerable, and also involved certain moving targets, such as turnover among providers and changing local guidelines on child protection procedures.

It would appear then, that at the time of interviews, training in awareness of child abuse and child protection was not comprehensively available, not compulsory, and depended on *ad hoc* arrangements within local authorities, and this was certainly the case compared to the integration of training on multicultural activities into inspection regimes. Moreover, of the three provider groups, those working in group care settings showed most interest in training. The responses of day care providers suggested that they largely accepted the discourse of child protection. For example, the principle of awareness training was seen as integral to their capacity to identify and report abuse, although there appeared to be some difficulties ensuring the accessibility and take up of training courses, particularly among rural providers, and those who have sole responsibility for children.

Beyond matters of availability of training courses there may also be issues about the extent to which day care providers perceive child abuse as something which they should know about, but question whether it is relevant to them. This may represent an element

of general resistance to the discourse of child protection and it can create tensions in implementing any training on signs and symptoms of abuse. This 'reinterpretation' of policy by certain providers, incorporating perceptions of features of their particular client group (as not vulnerable), can be seen as part of day care providers' governmentality. Day care providers have incorporated the knowledge base and conventions of referring to certain behaviour or physical evidence (the discourse of child protection) into their work but they also incorporated their professional values and agendas into their interpretation of their responsibilities towards the policy. The concept of governmentality allows us to see that providers' interpretative activity on the uses and relevance of awareness training as not just a practical problem of implementation programmes but also a problem of divergent priorities, interests and perspectives.

7.3.2 Procedures for day care providers

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Working Together required 'agreed procedures for contacting the local authority social services department about an individual child' in each day nursery and playgroup and for each childminder. It further stated that in group settings, the decision to contact the department should be made by a senior member of staff. No further detail is given about the procedures or delegating responsibility to ensure procedures are in place. There are parallels in this requirement with the system of designated teachers for schools (DfE, Circular 10/95)³. The requirement for protection procedures should facilitate both types of protection role (e.g, formal protection and community gatekeeping) and could be seen as representing a formalisation of working practices between day care providers and local authorities, and also as providing a potential avenue of contact between these two parties, in line with a 'working in partnership' approach.

³This circular stated that all schools should appoint the headteacher or a senior member of staff as a designated teacher to 'liaise with local social services departments and other agencies over cases of abuse' (DfE, 1995:13).

The two methods employed by local authorities to ensure providers had agreed contact procedures were the inclusion of procedural information within child abuse awareness training, and the use of registration booklets to all providers to distribute relevant procedural information. These booklets directed the provider to a relevant statutory agency if a provider 'suspects or believes a child has been abused'.

An Assistant Director in Steeland confirmed that ensuring this procedural information is available is a responsibility of the social services department. He said:

'all playgroups and nurseries, whether private or voluntary, actually I would think, [have] all received some training in child protection issues, some relevant literature, provided by the department about that. One would expect that they would pick those things up, although you couldn't necessarily guarantee it'.

One playgroup leader from Steeland suggested that not all providers had 'picked up' this procedural information when she said: 'to contact a social worker I'd need a number and contact person.. at the moment if I had any doubts I would go to the local school and talk to the head - someone who has some experience'. While her procedure might be as effective in ensuring appropriate action was taken, it was not in line with the requirements of *Working Together* to contact social services departments, nor, moreover, did she appear familiar with how to contact the department.

The two local authorities both reported using the regulatory process to check whether child protection procedures were in place. In one authority each group facility was asked to write a 'child protection policy' in preparation for the annual inspection. These would then be examined and noted within the inspection process. In the second authority, childminders were given preparatory training in procedures, and all providers would be asked direct questions during the annual inspection visit, to ensure that the inspection officer was confident of their knowledge. In both the authorities, however, the officers interviewed acknowledged that this process was not entirely satisfactory. An adviser in Steeland noted a tendency for people to:

'go away and forget all that. "Yes, that's all very interesting but it's not going to happen to me"...When you go back at inspection they have moved on, but not as much as you hoped. You go away and it's very watered down.'

In Goldenside, an inspection officer said that the principle of written policies was accepted:

'a lot of playgroups have one, a few nurseries, (but they) often think they won't come across it - "none of our parents would do a thing like that" '.

At the time of interviews, the system of annual inspections was not yet comprehensive in its coverage of day care provision. One third of this sample had not received an inspection visit. This may be a one-off problem caused by delays in implementing the Children Act. However, if it were to continue, this would indicate that relying on inspection alone to ensure that agreed procedures for child protection are understood was likely to be inadequate. Moreover, a continuing problem with relying on inspection procedures alone to evaluate child protection policies may be that different types of provision are inspected with varying degrees of rigour, and, as Bull demonstrated, all provision is visited infrequently between inspections (Bull, 1997:93-94), thus offering limited opportunities to ensure that child protection procedures are understood.

While the methods of ensuring protection procedures were in place for each provider faced practical difficulties, the response of providers to officers quoted above suggests that there is also an element of resistance to the idea that child abuse procedures are likely to be relevant to day care providers. The opportunity to ensure consistent procedures are in place for by day care providers represented an example of the formalisation of relations between day care providers and local authority officers, and, in addition, provided an opportunity for day care providers to reinterpret their responsibilities in line with their own perceptions of child abuse and its relevance to their particular client group. Thus, rather than accept that child abuse procedures were part of a child protection discourse in day care, some providers made reference to how knowledge or use of these procedures would be understood by the parents of children cared for, by suggesting that 'their'

parents would not mistreat or harm the children.

7.3.2.1 The role of parents in the procedure

The question of whether providers should talk to parents about their concerns for a child is not raised by *Working Together*. However, both local authorities visited encouraged this practice. For example, Goldenside's booklet on registration standards states: 'if a provider has a concern for a child the first people to share this with are normally his/her parents'. Similarly, Steeland's 'green book' on procedures, also included this advice.

Evidence from my sample showed that this advice was largely accepted by day care providers, and incorporated into their (potential or actual) practice. Providers were asked who they would contact, and in what order, in the event of concern about a child's health or behaviour. Table 7.2 shows that, overwhelmingly, providers said they would discuss concerns with parents first. This was the case for 39 of the total 49 providers, and included 20 of the 24 childminders. The second option, 'if they were not happy with the response', was to want to get advice from a health visitor (15), or the inspection officer (11, including ten childminders). Ten providers said they would want to contact a social worker as a second option. Seven of the group settings also mentioned wanting to discuss concerns as a staff group, or with their management committees, alongside any other action they might take.

Table 7:2 First, second and third options for day care providers when considering with whom to discuss concerns about individual children

N = 49	Parents	Health visitor	Inspection officer	Social worker	Other (incl. child, other childminder, friend)	Total
1st option	39	1	2	3	4	49
2nd option	4	15	11	10	1	41
3rd option ¹		1		11		12

It would appear, therefore, that most day care providers want to talk to mothers/parents as part of their child protection procedures although the national policy, *Working Together*, does not stipulate it. Some providers (9/39) qualified their response by saying that talking to parents would 'depend on what it was'. For example, some providers said if evidence was sufficiently 'severe', 'clear' or frequent, this would lead them to contact the social services department first.

It is worth emphasising here that discussion with parents is in line with the philosophy underlying the Children Act of involving parents in day care services⁴. However, the responses of providers to the above question did not always comment on actual experience, and for some providers, the question asked about hypothetical circumstances. In addition, it is worth recalling the situated context of parent-provider relations, and how it differs between the provider groups, from informal trust relations to more formal contract relations, as outlined in Chapter Six. In particular, difficulties of discussing subjects such as parenting styles and financial arrangements were noted among those largely reliant on trust relations, notably childminders (Bryant *et al.*, 1980; and 6.2.1.3.). This was also the case among childminders in my sample. For example, one childminder said 'Fees are all very flexible. As they become close friends I haven't put up fees. I don't like the financial side. With friends it's hard... the first one did abuse (exploit) me.. [you] can't have rules in working with children'.

The difficult balance between wanting to be flexible and informal, which for the childminders was associated with being friends or friendly, and at the same time ensuring business conditions are kept was also noted by another childminder who said 'people see me as not worthy of a pay rise. I'm getting more business like. They [parents] don't recognise the inconvenience... You have to have some respect'. By contrast the day nursery managers referred to written conditions for the financial arrangements, such as notice periods and late payments, that are made clear at the point of a child's admission.

⁴And the philosophy adopted by the PLA, see Chapter 6.

These managers did not make any reference to the social relations with parents (such as being friendly or friends with parents) as interfering with fee payments.

This working context for parent-provider relations demonstrates that for some providers, particularly childminders, the prospect of discussing concerns about a child's health or behaviour is an added dimension to what is, or can be, a problematic relationship. Of course, not all childminders feel that relations with parents are problematic. One childminder in my sample who had long experience of being a foster parent said she was regularly used by social workers to care for children in need and she thought she was chosen because she related well to parents. For her, discussing concerns about children's health and behaviour with parents was something she had long practised and felt comfortable with. I discuss further the background and implications of notions of partnership with parents later (7.3.1).

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Returning to Table 7:2 above, the majority of 'second options' given by respondents (26/41) to the choice of a discussant about concerns for a child's health or behaviour were for advice from a professional with whom the day care provider is likely to be familiar; both the health visitor and the local authority under eights adviser (inspection officer) are likely to have had an individual relationship with the day care provider, or at least to have visited once. In addition, the relationship might be sufficiently frequent or helpful to be considered supportive by providers. It will be argued later (7.2.4) that the quality of this individual, trusting relationship is a significant factor in the 'success' of a child protection procedure with the day care sector.

In summary, 'agreed procedures' were sought by both local authorities during the regulatory process of inspection, and both authorities encouraged providers to talk to parents about concerns for children in the first instance. Providers largely accepted in principle this responsibility to talk to parents, but raised some practical difficulties and resistance in doing so. A preference was noted for discussing sensitive matters with familiar professional workers such as health visitors and under eights advisers, rather than go directly to social workers, whom they saw as having the authority to take control over

the pace and style of investigation, rather than offer preliminary support or advice. Some of the difficulties of discussion with parents could also arise from the structural context of the work, particularly where trust relations dominate or define the parent-provider working environment, and there is therefore a reluctance to imply poor parenting on the part of their customers or clients.

7.3.3 Helping children and monitoring their care

Working Together refers to a 'crucial' role for all day care services in looking after children 'at risk'. It states: 'By helping children directly and by monitoring their care at home, these services may well be essential in helping a family remain together' (Home Office *et al.*, 1991:4.42). The objective of helping families remain together is clearly part of a central aim in the Children Act of supporting families (5.8.1), and the use of day care services to do so is a well developed role as outlined in 6.3. In this formal protection role, day care providers are seen as working alongside other health and welfare professionals both to support children (by helping them) and to provide information about children's wellbeing (through monitoring their care). The evidence from my sample suggested that while providers clearly saw themselves as helping children directly, they were much less clear about monitoring their care at home.

Providers were asked about their role in looking after three categories of children with needs beyond those expected for a child of that age. These were children with 'special needs'; children sponsored by the social services department; and children on the Child Protection Register (CPR). Forty (of 49) said they had, either currently or in the past, looked after children with special needs. 'Special needs' was defined broadly, as 'health or behaviour beyond that normally expected for a child of that age'. Included within this were children with asthma, excema and other common childhood ailments, as well as learning and behavioural difficulties, such as autism and Down's syndrome, all of which demanded extra time and attention from the day care provider. One playgroup leader described their experience: 'one boy was very hard work, we didn't have the staff to do

it. The Child Development Centre was supposed to check on him but they didn't come for nine months. He did improve - his mum was pleased'.

Another playgroup leader described looking after an autistic child: 'we weren't qualified to cope. Other children were getting frightened. She was hitting and shouting'. Some children also presented difficulties to childminders. One cared for a 'mixed up child - a terror. He resented me by three years old. He abused me. I took him to the park. His mum told him he was leaving. He bit me and hit me. It was frightening. My hands were tied - I had got reins on him'. A day nursery manager confirmed a flexible approach to children with special needs that was articulated by many providers. She said they would 'cope with what crops up. We wouldn't discriminate'. However, she also voiced the workload and financial implications of doing so: 'It's not in our interests as a business - we can't pass on the extra costs to parents. We'll take children where it doesn't affect staff ratios'.

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A large majority of providers, then, considered themselves as helping children with specific health and welfare aspects of their lives, indeed many considered it part of their role, such as this playgroup leader: 'I'm very open to having them provided the balance of non-special needs kids isn't upset'.

In an attempt to narrow the constituency to children considered 'at risk', providers were asked about children who had been referred by the SSD. About half (24) of the providers had had children in this way, and of these, 22 children were sponsored by the department. On some occasions, sponsored children were those living with a single parent, or children with particular health needs resulting from, for example, a disability. These children would not necessarily be considered 'at risk' in terms of child protection, but in need of general 'family support'. An example of how day care providers could be used for sponsored children was a report by a childminder of being used for one day when a single mother of three children had to attend court. She said

'the social worker rang me about three little children who needed help. As it was a day I didn't have [regular child] I said I would. They wrecked my home, [they had] no concentration span, swearing really bad, [my] own children found it unacceptable, they broke their toys. If they asked me again I wouldn't. In fact,

they didn't tell me where the mother was going to be, they came in a taxi with the mother and the social worker. The mother turned up at lunch time and I didn't know whether to let her take them'.

In this case, the day care provider was used as a place of safekeeping for children whose behaviour was incompatible with the minders' expectations of what caring constituted as a childminder. The effect of the childminders' lack of power (derived from incomplete information) was to dissuade her from undertaking such work in future. Similar lack of information was reported by another childminder who had been used as sponsored day care, and she had, she said,

'decided not to do it again... The 'phone calls asking me to do it are desperate.. but [there is] no 'phone call to ask how I'm getting on. They are not using our expertise. We are given no information, no back up.. children deposited on our doorstep, all we're told is that they are on the register or the parent needs counselling and can we take children. One child had foul language with other children. One baby turned up without any equipment. I could have given them a lot of valuable information. I could have been better prepared'.

Along with a role in helping children with special needs, many of the day care services in this sample saw themselves as able to respond to requests for them to offer a family support role by providing emergency or planned places for children. However, some of the experiences recorded among my sample suggest that providers can feel their willingness and goodwill is exploited by those arranging the care. In addition, the 'care' requested sees providers as tending to the immediate physical needs of children rather than participating in a system of welfare which might involve building a relationship with a child. Providers' only apparent response to feeling that the process was conducted unsatisfactorily was to refuse to offer the service, and thus their experiences remain privately articulated and not partners in the wider protection system.

The third group of children were those whose names were on the CPR. Twenty providers said they had looked after such children, all of whom could be regarded as 'at risk'. These 20 were made up of five childminders (of a total of 24), eight playgroups (of 16), and seven day nurseries (of nine in total). It is not surprising that the playgroups had more experience of caring for these children than childminders, as they see far more children

within any given period; they are more likely to have had access to specific training and more likely to have had encouragement for this role from local authorities and their representative organisations (outlined in 6.2.2.3.1). Playgroups are also the most commonly found form of group care (DoH, 1998: Table 1 and Chapter One: Table 1.1), so are likely to be available in areas where other forms of care, such as day nurseries or nursery classes or schools are not.

That three-quarters of the day nurseries (7/9) had cared for children in this category is more surprising, partly because nationally they are a relatively recent phenomenon and partly because they tend to be viewed by local authorities with some suspicion as commercially rather than welfare minded⁵. Indeed, the quote from a manager above referring to the need not to compromise costs by having children with special needs illustrates this view about the extent of private nurseries' role with children in need or at risk. However, three of the seven nurseries who looked after children at risk were those set up within colleges and schools (see Table 7:1 for distinctions between nurseries) and the managers of two of the three had backgrounds in child welfare work which may have helped them to be sympathetic towards, and feel more 'competent with managing, sponsored places work. All of these nurseries were active in this welfare role which may give undue weight to the result⁶.

It seems clear, then, that day care provision is 'helping children directly', across the spectrum of 'need', from common childhood ailments to behavioural and learning difficulties and physical disabilities, and children whose parents have needs for respite care for their children. Additionally, some of these children will come under the designation of being 'at risk'. The realm of helping children could be seen as directly within the remit of day care work. 'Helping' is an integral part of 'caring' for children as day care services have been constructed in Britain, and as such can be seen as 'natural'

⁵This was reported during fieldwork for the Children Act Project by regulation officers (unpublished data). In addition day nursery managers and their representatives from the Private Nurseries Association commonly reported this perception of what social services departments think of them (unpublished data).

⁶A sample with one third of its nurseries in this situation may be considered unrepresentative of the national picture of registered day nurseries (Moss *et al.*, 1995) and therefore the proportion of nurseries nationally who look after children on the CPR may be less than this finding.

part of the work (Dahlberg *et al.*, 1999). However integrated the discourse of helping children directly is into everyday practice of day care providers, the practical demands of doing so, particularly through sponsorship arrangements, can stretch the staff skills of a group or those of a childminder, and possibly threaten the cohesion of the group of children.

However, the providers in this sample did *not*, by and large, see themselves as monitoring the care of children at home, which is arguably a different and more complex task than helping children within a day care setting. An indication of the extent of the day care providers' responsibilities with children 'at risk' was gained from a question about any additional tasks that had been requested by the local authority. Of the twenty providers who had taken children on the CPR, for example, just half (ten) had been asked to undertake additional tasks in connection with the child's status on the register. These included observing and keeping records on the child's behaviour, attending meetings with social workers to review progress, and occasionally to undertake specific tasks such as play therapy for a child with a water phobia.

Two providers had been asked to monitor children's care at home. A childminder who looked after a child on the CPR 'came with bangs and bumps. I had to write them down'. However, the childminder reported that the SSD 'wasn't interested, [and] I gave her up in the end. She had a big bruise on her forehead and the social worker said let it go'. The other respondent was a college day nursery manager who was visited by a health visitor, with whom they weighed particular children and noted down details of their development to monitor their progress.

Beyond this, a few providers (3/49) saw that they could monitor children's care. One playgroup leader said that as social services know 'we have to work with confidentiality - they could use us to monitor (children)'. Another playgroup leader acknowledged that: 'we might be the first to see something if (a child is) coming regularly'. Furthermore, a day nursery manager thought they were in a good position to monitor the situation of parents, because: 'you can quite often tell (a lot) by talking to parents - surprising what

they tell you. We are treated like *Relate* here'.

As with other aspects of child protection policy discussed above it would seem that the practice of monitoring children's care at home is constrained both by the structural context in which day care takes place and by a certain resistance voiced by providers themselves to that responsibility. First, monitoring care requires a level of confidential record keeping facilities that many services do not have (playgroups often rent shared premises and do not have secure storage space (Brophy *et al.*, 1992); childminders work from domestic premises shared with other members of her family and the same may apply). Following the Children Act, record keeping was formalised through the updating of the registration system (Bull, 1997) and providers may be more used to noting down details about children than previously. One or two of my respondents said that if faced with a child causing concern they would keep confidential records or talk amongst the staff group and decide what to do next. However, two respondents referred to keeping notes in the register about emergencies (a playgroup leader), and writing informal notes to themselves about children's appearance and behaviour (a day nursery manager) rather than having formal records on each child.

Second, monitoring care requires a judgement about what is worth noting down. Some respondents thought of themselves as ill-equipped to decide what is and what is not appropriate information. For example, a playgroup leader said 'we are not here to judge children'. She elaborated that their 'credibility' was under threat, as they were 'only' playgroup leaders, if they did undertake this kind of work. This kind of resistance to the formalisation of day care providers' roles suggests elements of role conflict and there may be a limit to the extent to which day care providers can be expected to monitor children's care at home. Indeed, the evidence from this sample is that the local authorities did not generally use day care providers for this purpose.

7.3.4. Support of day care workers in child protection work

Working Together states that day care providers should be 'properly supported' in their

child protection work. In addition, local authorities are given a 'power' to support day care providers in the private and voluntary sector (Children Act, s.18 (3)). Guidance (DoH, 1991a) states that this power is not limited to services catering for children in need, but that it is a general support function (DoH, 1991a:3.34). However, it would appear that support services (including training, advice, guidance and counselling) for day care providers are in general poorly developed (Moss, 1997). Moss *et al.* (1995) reported that of those day care providers who had looked after children in need, about a half had had extra help, usually in the form of telephone and visiting support from social workers or health visitors for childminders and day nurseries, and extra helpers for playgroups. About a third of childminders, a half of playgroups and up to two thirds of day nurseries would have liked additional support, such as 'more resources (in particular, extra staffing), and more 'back up' advice, both in general and on specific issues. Providers also wanted more knowledge about the background of the child and his or her family.' (Moss *et al.*, 1995:15).

*

Respondents in my sample relied to a considerable extent on voluntary organisations (such as PLA and CMA) and on inspection officers to provide them with support in their work. But a quarter of them could not identify any person who provided them with support (12/49). This was especially the case with those providers who had looked after children 'in need', children on the CPR, or who had experienced a child protection investigation as Table 7:3 demonstrates.

Table 7:3 Sources of support for day care providers by whole sample and those with experience of working with social services departments

	Is there anyone whose job it is to offer you support? If so, who? (Whole sample (N = 49))	Those with experience of looking after children in need /on Child Protection Register /of child protection investigations Is there anyone whose job it is to offer you support? If so, who? (N = 24)
Inspection officer (LA)	17 (35%)	4 (16%)
Health visitor	2	-
Early years officer (LA)	4	1
Manager	1	2
Voluntary organisation (local/regional/ national)	19 (39%)	9 (38%)
No-one	12 (24%)	10 (41%)
Totals	55	26

Notes: 1. Totals add up to more than N as respondents could indicate more than one source of support. 2. 'LA' refers to 'local authority'.

It would appear from this sample that those providers who do or have in the past provided a service for the local authority are less likely to identify a person whose job is to offer them support, and in particular are less likely to identify a source of support from within the local authority. Rather than rely on the local authority to deliver support in their work, the providers' approach to obtaining support for working with children in need or 'at risk' was to *seek out* a familiar figure in the social services department, the inspection unit or a health visitor. It was to these people that providers would turn if they were concerned about a child. Indeed, a perception of adequate support generally depended, in this sample, on personally developed links with, for example, a health visitor or under eights worker known over some years, or a member of staff at a school in which the playgroup was situated.

A Steeland childminder who took 'social services children' regularly, said that she contacted her local early years development worker (an officer with a support remit, not an inspection remit, see Table 4.1) at least twice a week, and this person could sort out

most things from queries about a child or family member, to the nonarrival of the departments' cheques. As a consequence of this frequent and supportive contact, she felt confident of talking to social services personnel in general, about 'anything'. This childminder reported that the early years worker 'cares about us as people, not just as a service'. On the other hand, a childminder doing similar work in Goldenside had lost her 'familiar figure' source of support when the service had been restructured after implementation of the Children Act. This childminder said:

'since the Children Act her job title has changed. She's now a community worker, and covers everything from toddler groups to community projects and drop ins. She's on long term sick leave, there is no one to cover her job, (and) I don't know who does support us. At the moment it's very difficult; if it was very serious they'd (social services) make time. I've never contacted the (inspection) unit. I'm keeping quiet'.

In addition to viewing the local authority as not providing ongoing support, many providers did not view the local authority as readily accessible to them. The providers were asked whether they felt able to contact social services departments (either inspection units or social services in general) about a 'small query' or whether it had to be 'something serious'. Of the whole sample, 28 (57%) said it would have to be something serious, while 15 (62%) of the sample selected on the basis of experience of working for social services departments felt similarly that it would have to be 'something serious'.

In this sample, therefore, day care providers indicated that they do not obtain 'proper support' for their work and this is particularly the case for childminders. Arguably, it is a resource that childminders need most, as they work largely in isolation from other day care providers. One example of support for day care providers (who may or may not look after children 'at risk') in one rural district in Steeland was a child protection 'network', established by social services. This network organised training events and meetings and helped providers to have personal contact with the health and welfare professionals they might expect to meet should they report a child abuse matter to them. There was a mixed response to this initiative. For example, one day nursery manager found this useful in practice, as it brought everyone together, while another found it less so. This latter manager said the network was insufficiently focused, and too wide ranging in its

concerns.

Support services can be seen as an aspect of working in partnership with other agencies, a key principle behind *Working Together*. Support, through advice and training, should enable day care providers to carry out child protection work more effectively. However, the very term 'support' implies an unequal relationship, where one party, the one giving support, holds the expertise, and the other, receiving support does not. The forms of support have also altered through the implementation of the Act, with a greater emphasis on the separation of support from inspection (Bull, 1997), and the use of training rather than visiting support (Moss, 1997).

The question remains as to whether specific child protection work qualifies the day care provider for support over and above that given to day care providers under s.18 (3) of the Children Act⁷, and whether this alters the relationship with the local authority. Some of my respondents were unsure whether they were seen by local authorities as a partner in child protection work, or merely as a resource for the child's safekeeping. For example, a playgroup leader said she had been looking after a child for some time before she found out he was on the CPR. She said: 'I didn't know he was on the register. Social services placed him with me. They paid the fees. No-one said they wanted to know if he wasn't in the group. Mum told me he was on the register. I had contacted SSD before [when] he didn't turn up, mum was reluctant to give me the details. I resolved it by going to school and asking through a staff member and a sibling. I was lucky to have a personal contact with the school'.

Sharing information is an element of working in partnership (see 5.8.3). This provider's experience could indicate that her need for full information was overlooked in one instance, but other respondents also indicated that they did not think they would necessarily be told if a child was on the CPR. For example, a childminder said 'I doubt

⁷s.18 (3) says that 'A local authority may provide facilities (including training, advice, guidance and counselling) for those a) caring for children in day care: or b) who at any time accompany such children while they are in day care.

they'd consider me qualified to know [whether a child on CPR] - they might tell me if I asked'. This would suggest that the principle of providing full information to day care providers in cases of children for whom there are child protection concerns was not automatic and opens to question whether day care providers' work in such cases is supported by being considered 'partners' in child protection work.

7.3.5 The contribution of day care workers to child protection policy

Working Together states that day care providers should be enabled to 'contribute to child protection conferences and to the work of area child protection committees (ACPCs) where appropriate' (Home Office *et al.*, 1991:4.42). My evidence suggests that where day care providers have been directly involved in child protection investigations, through investigations taking place on their premises, they are usually, but not always, invited to attend, or to contribute to child protection conferences. Seven of the 49 providers (3 day nursery managers; 3 playgroup leaders; 2 childminders) in my sample had attended child protection conferences, all of whom had had experience of child protection investigations. A further three playgroup leaders had contributed to conferences by sending written or verbal reports via a social worker.

However, neither local authority that I visited had discussed day care, or the role of day care providers within their ACPC. One social services manager in Goldenside said that while the ACPC had never discussed day care, or the contribution day care providers might make to policy work, the responsibility for child protection training lay with the district committees (DCPC). These, he said:

'think about locality training, and may invite voluntary organisations, [but] because of numbers there is not time to have the level of contact, or training [with day care providers]. Training is focused on professional staff [local authority social workers] to try and get that right'.

Beyond attending conferences day care providers or their representative organisations could potentially contribute to the policy work of the ACPC by expressing the perspective of day care providers on the various elements of the child protection policy

discussed above (for example, on awareness training, the delivery of support services to day care providers and sharing information about cases), but this did not appear to be happening in the two local authorities visited⁸. A lack of accommodation by the local authorities of the particular working environment of day care providers and how this impacted on the success of consultation initiatives could also be seen in other aspects of partnership work in day care, such as consultation for the section 19 review⁹. A childminder respondent who was the area representative for the CMA reported that she had repeatedly found she could not get to meetings because they were scheduled during her work times, or took place in venues beyond the reach of local transport.

7.3.6 Section summary

Evidence presented from this sample of day care providers suggests that aspects of the formal child protection policy for day care workers outlined in *Working Together* (training in awareness, the availability of procedures, monitoring children at home; support services for day care providers and ability to contribute to child protection conferences and the work of ACPCs), have barely been put into practice. The most highly developed element of the policy was the requirement in group care to have evidence of local procedural policies available during annual inspections, but evidence from local authority officers suggested this was not an effective or comprehensive method of implementation.

But the analysis has shown that to a certain extent day care providers have positioned themselves as integrated into the child protection discourse. They are familiar with the categories and terminology of child abuse and child protection, they see themselves as helping children and they frequently extend their service to meet particular needs of

⁸Although in the years since the original fieldwork, and with the inception of the Early Years Development and Childcare Partnerships, there may have been further developments in day care providers' contribution to child protection policy making.

⁹s.19 (1) Every local authority in England and Wales shall review a) the provision they make under s.18; b) the extent to which the services of childminders are available within their area with respect to children under eight; and c) the provisions for day care within their area made for children under the age of eight by persons other than the local authority required to register under s.71(1) (b).

children.

Skills and experience of working within the policy framework of child protection appeared to be limited to those childminders and playgroup leaders who had a special interest in the subject and brought skills and training in other areas of child care work to their current occupation, and those day nursery managers who were employed rather than self employed and ran nurseries attached to colleges and schools. For the most part, providers were neither skilled nor experienced in formal protection or community gatekeeping work.

The 'problem' of implementation appeared to be threefold. First, providers articulated a set of practical constraints on their ability to undertake specialist welfare work such as child protection or to be seen as a fully participating partner in the system of child protection. These practical constraints included the costs of looking after children with special needs, the need not to have other children neglected, a lack of suitable qualifications with which to assess children's needs, and the need not to have their domestic home physically 'wrecked' by distressed children. Second, while providers were familiar with the discourse of child protection, and some expressed a wish to help children in difficult circumstances (a formal protection role) they also drew attention to some reservations about carrying out the community gatekeeping role of identification and reporting possible cases. In particular their own lack of skills or training, and reservations about the relevance of child abuse to their client group were mentioned. I suggested that this gap between familiarity and confidence or expertise was not just a matter of implementation, but also a product of interpretation and resistance to the policy by day care providers, whose professional interests and structural contexts of employment provided a framework for viewing the policy.

The third problem relates to the wider policy implementation environment. There are three elements to this. First, there was a lack of support from local authorities for independent day care providers doing protection or support work with children in difficult circumstances. The support services available did not appear to be the product of a strategic and comprehensive plan to promote day care provision for children 'at risk'.

Of particular concern was the evidence that in at least one district, changes in the organisation of social services support posts since the Children Act had led to a move *away* from support for early years workers and services (and so their child protection work) and towards more general community support, so leaving a childminder looking after children 'at risk' without any ready access to a support figure.

Second, there was a lack of recognition in *Working Together* that providers see a main role for themselves in building a relationship through talking to parents and would want to use this in the event of suspected child abuse. If providers do extend their trust relations with parents into the sensitive area of child abuse/protection, an area which is also a concern of the local authority, then arguably they need additional and readily available support services, not fewer or more formalised support services.

Third, there are formidable problems of implementation and resource implications of even a basic awareness training programme. In 1997, there were 118,200 premises or persons listed as registered day care services in England (DoH, 1998). In each 'premises' (21,100 playgroups and day nurseries) there are several members of staff (perhaps 4 - 10 or even more), thereby increasing the total number of individuals requiring training. To offer a training course to all, or even a majority of these providers would require an impressive number of training staff devoted to the task in each local authority. A second problem is the high turnover in employment in day care services (Cameron, 1997a). This means any training programme would have to be repeated frequently.

In addition, it might be argued, there are problems raised by the 'relative' and contentious nature of child abuse. If all providers were to have basic training in awareness of child abuse, there is a potential to identify more child abuse. In the next section I shall explore these more complex relationships. By looking in more detail at the experiences of those day care providers who *had* experienced child protection investigations I aim to raise the issues and dilemmas of this area of work for independent day care services.

7.4 Experiences of the formal child protection system in operation

The sample of providers I interviewed had experience of both the formal protection role and a community gatekeeping role in child protection work. A further dimension to this work is where a child protection investigation¹⁰ takes place in day care premises. Table 7:4 summarises the providers' involvement in two levels of working with children 'at risk'. The horizontal axis refers to providers' first level of experience, such as children whose names are entered on the child protection register, children whose places are sponsored, or to experience of making referrals to social services departments about children for whom the provider has concerns. The vertical axis refers to a second level of providers' experience, that of a child protection investigation actually on the day care premises.

Table 7:4 Experience of child protection investigations and experience of children on the child protection register *

N = 49	Experience of children on the child protection register	
Experience of child protection investigations in day care services	None	Some
None	25	15
Some	-	9

From Table 7:4 we can see that about a half of respondents (25) had no experience of the child protection system. These 25 providers were still interviewed about their perceptions of child abuse, and their views on participation in the child protection system. Fifteen respondents, just under a third of the total, had some experience of working with the SSD, either in a formal protection role, by looking after children on the child protection register, or sponsored children, or in a community gatekeeping role, such as contacting a social worker or other welfare professional such as a health visitor, with concerns for a child. Nine providers, a fifth of the total, had both 'some' experience of referrals and sponsored children, and direct experience of a child protection investigation. Although

¹⁰The term 'investigation' has been replaced by 'inquiry' subsequent to the research being completed (cf, Parton, 1995).

this is a small sample, it would appear to indicate that about half of day care providers, particularly those providing group care, have some involvement in a child welfare role, and about 20 per cent have had a child protection role.

In the sections that follow I will examine the responses of the whole sample of 49 day care providers to illustrate issues under the first two headings, (Partnership with parents and Perceptions of abuse) and under the last heading (Participation in the child protection system) I will examine issues raised by the nine providers with experience of child protection investigations.

7.4.1 Partnership with parents

Providers in my sample referred to their work as being guided by the objective of providing a service that parents want. A childminder, for example, said 'the job is what parents want me to do with the [children]', and a day nursery manager said 'if parents request things we try to do it'. Providers appealed to a sense of what parents want over particular issues such as multiculturalism and ethnic difference. A childminder said 'if parents had different views about food or activities, you have to follow what parents say' and a day nursery manager said 'parents don't want children differentiated. We treat our children as individuals. Writing down their race or culture or first language separates them rather than integrates them'. Furthermore, another childminder justified not keeping to local authority guidelines on recording children's progress because 'parents don't want it'. Providers I spoke to seemed acutely aware that they had to meet a demand not only to exist, but also to provide a service that was wanted. This approach is supported by the emphasis Guidance places on parental choice (DoH, 1991a:3.6).

This service model does not encourage service providers easily to exercise authority or judgement over parents¹¹. Indeed, two playgroup leaders in my sample positively rejected

¹¹ Although historically there is a tradition of 'educating mothers' in infant welfare, such as Schools for Mothers, and in early day nurseries to provide compensation for 'cultural deprivation' such as those run by Rachel MacMillan. This is also discussed by David (1985).

this role for themselves. For example, one of them said 'I'm not in a position to say a child is "disturbed"'. Yet that is exactly the judgement which is required of the child protection policy in day care as described in *Working Together*. This presents a difficulty for day care providers. The difficulty is balancing the need to provide a service mothers or parents want, with providing a service the child protection system demands. This difficulty can be seen in other professions where a general service is provided but child protection requirements demand a judgemental or critical approach with parents, such as the teaching profession.

However, I argue in this section that for many day care providers this difficulty can be seen as a problem of role boundaries that are thrown into sharp relief when working in partnership with parents, and are possibly unrecognised and more acute for day care providers than other welfare professionals. The boundaries of the role of provider, as incorporating the community gatekeeping role and formal protection role, can become unclear in a context where providers and mothers share the mutual experience of motherhood, and where informal social relations have traditionally characterised providers' working relations with parents.

The discussion of partnership in Chapter Six drew attention to the meaning of partnership in early years services and the requirements of 'partnership' as being a sharing of information, responsibility, skills, decision-making and accountability. The providers in my sample rarely reported this definition of partnership as being in place in their services. For example, one area of potential sharing of information and decision-making, and causing great concern to the providers at the time of fieldwork, was the implementation of the Children Act and the consequent threat to their registration status implied by changes to the system. In only one service visited did providers report that parents had shown any interest in the changes introduced in the Children Act. More typical was this comment from a playgroup leader, who said 'there is amazing disinterest from parents. A lot of them think 'get rid of them [the children] for three hours' and that's it'.

Providers seemed more concerned to attempt to build up trusting relationships with

parents, sometimes by involving them in the service or in the care of their own children. A playgroup leader said they tried to get 'mums and dads on the committee', but it was getting more and more difficult to get people involved, and a childminder said '[I] try to have a good relationship with parents. I've been lucky with parents [I've had]'. Another playgroup leader said 'we try to support parents in a trusting relationship'. An example of strategies to build up trust was the following from a day nursery manager, who described the induction process with babies: 'parents provide information about their routine. The key worker visits them at home. Parents visit as long as possible, even when pregnant, to develop trust. Then they visit with the baby. They feed the baby with the key worker watching. Parents are mostly very co-operative'. Another day nursery manager said 'parents are in and out all day and will talk to staff. We hope to increase parent participation [in nursery activities]'.

Working in partnership with parents among this group of day care providers did not extend to a partnership approach to the delivery of the service. However, the relationship with parents takes on a different and perhaps potentially problematic dimension when the provider is asked by the child protection system to comment on or raise doubts about parenting style or behaviour. The 'difference' arises through shifting roles from a service model to a judgemental or potentially authoritative model of providing services. Providers in this sample expressed this dilemma as a 'worry' about talking to parents, and the consequences of talking to parents for the provider/parent relationship, about concerns for a child. Table 7:5 demonstrates the extent of providers' 'worry' about talking to parents compared to social workers/police, grouped according to degrees of experience of the child protection system.

Table 7:5 Level of experience of the child protection system by 'worry' expressed by day care providers about talking to parents and professionals in the event of concern about a child

Level of experience of the child protection system (N=49)	'Worry' about having a discussion with the child's parents	'Worry' about having to talk to social workers or police	Not worried about talking to parents/ professionals
a) No experience of working with social services department (N=25)	13	8	8
b) Some experience of social services, e.g., sponsored children; referring children to SSD (N=15)	9	5	5
c) Experience of child protection investigations (N=9)	6	1	3
Totals	28	14	16

*

The vertical column of Table 7:5 shows three categories of experience of child protection work drawn from Table 7:4 while the horizontal axis shows two dimensions of 'worry' generated by concern about talking about concerns about children's health or behaviour, that of talking to parents and talking to professionals. About three fifths of the providers (28/49) at all levels of experience expressed concerns about the prospect of talking to parents about the sensitive issue of their child's health or behaviour. The providers expressed much less worry about talking to social workers or police (14/49), and although numbers are small, there is some suggestion that this might decline with experience of doing so, so that only one of the providers who had had child protection investigations on their premises was worried about talking to social workers/police.

The detail about the concerns providers had about talking to welfare professionals will be reported in 7.4.3. But it would appear that there is something particular about talking to parents that presents difficulties for day care providers, despite the finding presented earlier that providers would *want* to talk to parents before statutory agencies (7.3.2.1). One kind of worry was the possibility of being 'wrong' over matters of suspected abuse. For example, a childminder said 'I wouldn't want to talk to parents. I told the under eights

adviser I would talk to parents if there was a mark, but I'm not sure that I would now ... I'm not sure how they would react, or if I was wrong. Everyone fears saying something in case you're wrong'. A playgroup leader said 'I would worry about talking to parents. I've never had to but I wouldn't want to put a foot wrong. You have to tread carefully'.

A second kind of worry was the possibility of parents reacting adversely to the concern about a child or suspicions of abuse. A childminder said 'I'd be worried about getting it over right - getting it in words without upsetting them'. A playgroup leader was also wary of the prospect of adverse consequences of talking to parents when she said: 'If we have concerns we speak to the child. You've got to be certain ... I would seek advice about talking to parents. If it's a one off and parent says something different or is hesitant. I wouldn't be frightened to talk to parents, [but] I don't want to erupt something any more - if I approached a parent and they backed off and then child came back with bruises - that might feel worse'. A very experienced day nursery manager found that when faced with having to talk to parents about suspected abuse she had to 'go over and over it in my mind. I don't want to imply blame to the parents. I'm concerned about their reaction. The trauma if they don't know is terrible'. The implication here is that it is possible for the day care provider to have knowledge about sensitive and personal matters that the parents do not have, and that conveying this information will be met with a deeply emotional response that may be hard for the day care provider to contain.

A third worry was the risk of undermining the relationship built up between provider and parent. A playgroup leader said staff were most concerned to support parents in a trusting relationship, and so deciding whether to talk to them about their concerns took into account the repercussions: they 'wouldn't take on something that was potentially explosive'. A childminder said she would 'bring concerns to their attention but not to be accusing them - if I felt it was suspicious I would be anxious. You do build up a friendship with parents. I just hope it never happens' and a playgroup leader similarly said 'I try to talk to parents before anyone else ... talking to parents terrifies me. Even on smallest things. I have friendly relations with parents, but it's difficult treading into private life, a brick wall comes up'. This last provider raised the practical consequences

of an ideology of private domesticity that I argued in Chapter Five informed the development of legislation concerned with issues of protection and prevention in child welfare. The care of children is not only constructed as the private responsibility of parents, but embedded in that responsibility is sensitivity to personal criticism of parenting-caring behaviour.

One of the questions these findings generate is what are the consequences of these worries for a principle of partnership with parents? Some of these worries are similar to those that occur when welfare professionals have to make a judgement of child abuse, such as avoiding making a diagnosis by trying to cast the circumstances in a positive light (Dingwall *et al.*, 1983). The main consequence appears to be that it will put at risk the trusting relationship that providers work hard to build up. In the absence of sources of institutionalized or structural sources of support, an implied or actual threat to informal social relations (that constitute the central relationship) for day care providers may affect day care providers more acutely than providers of care services in other settings.

For example, the relative isolation in which day care providers work is one element of the structural context of independent day care which may exacerbate anxiety about the consequences of talking to parents about concerns for a child. The isolation exists both from other day care providers, and from contact with welfare professionals. Table 7:4 above showed that a quarter of providers could not identify a professional whose job it was to offer support to them, and of those that could just over a third identified the inspection officer with whom actual contact was fairly infrequent, and a similar proportion identified their representative voluntary organisation such as a PLA fieldworker. In addition, three of the day nursery managers referred to their 'colleagues' running similar businesses as 'competition' rather than sources of mutual support. A question about whether the providers had much contact with other colleagues revealed that apart from five childminders who had regular arrangements with friends who were also minders, the remainder of the providers only saw colleagues in passing at groups, at meetings (eg., PLA or PDNA branch meetings) or occasionally at courses. None of the playgroup leaders or day nursery managers saw their equivalents from other services once

a month or more although one manager (1/9) who attended a bimonthly forum for managers described them as 'very valuable'.

Another element is the generally poor level of, and access to, training, both in childcare, and in child abuse/protection (outlined and discussed in 7.3.1), although evidence from a recent survey of staff in independent day nurseries found that 40% of centres had had child protection training in the previous six months, and 21% described child protection training as a 'significant' training need in their centre (LGMB, 1999: Table H). A poor level of training might mean fewer opportunities to develop a repertoire of strategies for communicating with parents over sensitive subjects than might be available to social workers, for example.

A third element contributing to anxiety is the dependence of day care providers on the local community for custom. This was raised by two of the providers in my sample. One childminder in a rural area who was also a playgroup leader said that 'in a village like this there are so many relations. There has been a case of child abuse - a family who accused another was hounded out of the village'. Whether the allegation was false or not, the 'cultural' climate was such as to create anxiety about raising the subject of possible abuse with parents. This childminder said she would prefer to speak to a health visitor rather than parents 'for fear of offending them'. In addition, a playgroup leader said the reputation of the group was at stake if she spoke to parents: 'if it weren't right - might get a bad name for the playgroup'.

A fourth, and linked, element is the impact of a shared status of motherhood combined with an absence of institutional protection such as employment benefits that characterises many staff working in the private and voluntary sectors. Being drawn into the work through motherhood and domestic convenience/opportunity (discussed in 7.1.2, and Appendix 2) has become a classic entry route into childcare work. But this essentially informal organisational practice has few means of supporting or defending its workers if they have to make critical judgements of other mothers. If a childminder were to make an allegation against a parent, this is, at first instance at least, simply one mothers word

against others. If a committee playgroup leader were to do the same thing, they may inform, and/or expect support from their management committee. But committee members are almost always other mothers, and they may not therefore wish to become involved. One playgroup leader said they had a policy of reporting situations to their committee, but not mentioning names in order to protect the identity of the family concerned. In these circumstances the committee can offer little in the way of direct support to the playgroup leader who has to talk to the parents concerned.

Brophy (1994) has pointed out two further problems in relying on parent management committees as a source of support for playgroup leaders. The first is that some playgroups do not have management committees (14% in that study), so there is no option of support from this source; and second, nearly three-quarters of leaders with experience of management committees had negative views about their functioning (Brophy, 1994:173, Tables 2 (I) and (ii)).

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Sources of support for private facilities are also problematic. If a private playgroup owner or day nursery manager has to talk to parents, there is sometimes the advantage of hierarchy. If a manager has less personal involvement on a day to day basis with parents, when she does talk to them about concerns she has the weight of opinion of her staff who have reported concerns behind her. Often, however, private playgroups and nurseries are small and the proprietor is also directly involved in day to day work with parents. In none of these circumstances can the day care provider count on the support of bureaucracy and hierarchy available to social workers in a local authority department, or doctors in a hospital, or even teachers in local education authority schools when they talk to parents. In sum, there is little or no *institutionalised* means of support for the day care provider in the nonstatutory sector.

Working in partnership in this context is imbued with difficulties. Day care providers appear to work with a limited sense of partnership in their approach to parents generally, recognising that parents want a service for their children and there are practical limits to parental involvement in day care services. But a sense of partnership is further limited

by the fact that although there is an apparent 'equality' or perhaps mutuality in status by both provider and parent being mothers with different roles, this is in part undermined by responsibilities for child protection given to day care providers. The day care provider is theoretically in a position whereby every child could potentially be a risk to their local credibility as childminder, playgroup leader or day nursery manager. The providers in my sample reported that they would want to exercise limited 'partnership', and talk to parents about concerns for a child, but that doing so would cause them worry, and they would rather defer to a welfare professional they knew and trusted. The consequences of this are that 'partnership' where day care providers suspect child abuse poses considerable challenges to the day care provider.

7.4.2 Perceptions of abuse

Variable professional perceptions of what constitutes child abuse have been noted among welfare professional groups (Thorpe, 1994) and in organisational practices of the categorisation of abuse (Corby, 1990). Dingwall (1989) argued that a practice of 'diagnostic inflation' had emerged whereby the definition of child 'abuse' referred to 'virtually any problem which may have an adverse impact on a child and can possibly be attributed to some act of commission or omission of an adult' (1989:28). Perceptions of 'abuse', it would appear, can be construed as relative to the perceivers' sense of 'normal' as it relates to childrens' wellbeing. This relative perception makes it difficult to apply objective or consistent standards to behavioural signs or symptoms that may indicate child abuse.

Day care providers in my sample responded to the question of defining abuse by listing categories and providing value judgements. As reported in 7.3.1, most providers were familiar with categories of abuse such as 'emotional', 'physical' and 'sexual' abuse. Merely being familiar with the terminology, however, does not suggest that the providers knew how to tell whether any particular behaviour was indicative of abuse or whether any harm had taken place.

The second main response was to use value statements that defined the providers' perception of abuse. In the main, the providers referred to abuse as a state of health or wellbeing that is inadequate compared to their expectations of 'normal' for a child. Eighteen providers included in their response such statements as a child being 'hurt', 'deprived', 'mistreated', 'unhappy', 'used in the wrong way', 'not loved enough' or 'treated terribly' to describe child abuse. All these descriptions of abuse rely on some measure of the describers' subjective judgement in order to suspect, or 'see' abuse within their day care service. As argued earlier, the predominant skills and experience base brought to child care work by day care providers is that of mothering their own children. A judgement of what is 'deprived' will depend, therefore, on the standards the provider brings from her own mothering or caring experience, which will vary.

I noted above that the subjective judgements of welfare professionals become incorporated into deciding whether an incident constitutes child abuse (eg., Thorpe, 1994; Dingwall *et al.*, 1983). These groups of workers, such as social workers, health visitors and doctors can be characterised as both trained and experienced in the identification of symptoms of child abuse. Day care providers are not so well trained or experienced, as noted above. The implications for a variation in practice and perception of 'abuse' which others argue (e.g., Corby, 1990; Dingwall *et al.*, 1983) exist among welfare professionals must also, arguably, exist for day care providers.

Moreover, as indicated above, the structural setting in which most day care providers work does not provide an institutional framework for the supportive discussion of possible abuse. As day care providers frequently work on their own or in small groups, there is rarely an established procedure to discuss concerns with a superior (outside the nursery or playgroup, for example) who may have a greater ability to see an overall perspective on the situation causing concern (also as indicated above, 7.3.4). Neither do day care providers have many opportunities to discuss concerns with colleagues from another day care service, or, on a preliminary basis, with the local social services department (and others have indicated this institutional gap (e.g., Moss, 1997)).

In my sample four childminders said they would discuss concerns with another childminder. One of these, who worked with children 'at risk' regularly said she would meet up with another childminder who did similar work and then they could 'observe the kids for each other'. Furthermore, a day nursery manager said she would discuss concerns with a friend who happened to be a social worker before making any formal referrals, and two playgroup leaders sought preliminary discussions with members of the teaching staff at the school where they were based.

In addition, all the providers who said they would talk to parents first (39/49, see Table 7:2) were in effect saying they would identify symptomatic behaviour alone, or in their small staff groups. In these circumstances, with few opportunities within the workplace to 'check out' concerns about possible abuse, and highly subjective measures of what constitutes abuse it is perhaps likely that practice will vary among day care providers and perhaps even more than among other professional groups. Further, more directly comparative research would be needed to confirm whether this is in practice the case. However, one implication of these relative perceptions of abuse was highlighted by a childminder who worked for the SSD with a child and was asked to report any incidences of injury, with the implication that the minder's work was helping to protect the child from further abuse. The childminder found that reports that she thought were clear indicators of abuse were not necessarily acted upon by the social worker. She said 'she had a big bruise on her forehead and the social worker said let it go'. To the childminder, this response from the SSD charged with protecting the child, seemed to undermine the previous promise to act when the child showed signs of having been abused.

In summary, day care providers in my sample demonstrated a perception of abuse that reflects many of the conclusions of other studies in this area, such as those of welfare professionals (eg., Thorpe, 1994). While familiar with various categories of abuse, the providers had only vague means of identifying any symptomatic behaviour. The phrases used to describe abuse were contingent upon their own experiences of judging the adequacy of childrens' wellbeing. Thus, practices in the judgement of abuse cases is likely to vary considerably among this group of workers.

Furthermore, the providers' isolated employment setting, outside the statutory sector, is likely to contribute to further variation in their perception of abuse. One 'location factor' is the paucity of opportunities to discuss, and so confirm or eliminate, any concerns about possible abuse. Another factor is the potential conflict between the general need to cultivate and maintain a good relationship with the local community, and the specific responsibility to the SSD with regards to individual children. Lastly, many of the providers' responses indicated that they thought child abuse covered a 'wide category' of possible behaviours and symptoms. This raises the question of the implications of virtually unlimited discretion to perceive abuse, combined with only subjective, personal measures of assessing abuse and little training. One result may be that a degree of self doubt emerges for the day care providers: they cannot be sure whether what they see is abuse. Thus, there may be a tendency or a view that it may be better not to 'see' abuse at all.

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7.4.3 Participation in the child protection system

The aim of this last section is to illustrate the difficulties and issues facing day care providers when they participate in child protection system of investigations and conferences. While most of this section will focus on the experiences of nine of the 49 providers who had direct experience of child protection investigations by social workers and/or police under the s.47 of the Children Act 1989, I will begin by examining the evidence about participation in child protection conferences.

As noted in Table 7:5, 14 of the providers voiced worries about talking to social workers and/or police about their concerns about a child. These worries were mostly about defining abuse and containing anxiety about abuse: ensuring the facts were right and not wanting to escalate an episode further. Eight providers had attended child protection conferences, and while some found them unproblematic, even 'supportive' (one day nursery manager), others said they 'wouldn't want to do a lot of them'. Two playgroup leaders raised the problem of parental attendance and confidentiality. They had both been

invited to conferences but declined to attend because they didn't want parents to associate them with the conference recommendations. The prospect of attending conferences was described by some who had not done so as 'daunting', 'very scary', 'awful' and 'I'd feel out of my depth'. One provider was unsure whether her information would be considered valid or valuable. She said 'I'm not sure I'd have information to give [to a conference]'. Two providers said they were even more worried about appearing in court than attending conferences. One said: 'being cross-examined - I'd die!'.

The main issues around conference attendance and talking to welfare professionals about suspected abuse are around trust in the system to respect particular aspects of confidentiality that are important to day care providers, lack of confidence about day care providers' role at conferences, and lack of confidence in their accurate and public reporting skills. The difficulties of defining abuse, reporting it and being a multiagency participant are sharply articulated by the providers' quotes given above. Similar difficulties may also be present for other care workers who come into contact with child abuse infrequently, but the point about structural context as rarely providing institutional support for such work by day care providers is again relevant here.

Turning to the child protection investigations, nearly all these took place on nursery premises or were initiated by nursery managers. Two reports came from a childminder and a private playgroup owner, from experiences in nurseries they had worked in or owned respectively. The exception was a childminder respondent who specialised in children already thought to be 'at risk'. This subsample of nine respondents had more years of experience of working in day care compared to the sample as a whole (all had between four and 12 years' experience), and were better qualified than the sample as a whole. Seven of the nine had at least a one year child care training such as the PPA Foundation. In addition, six of the nine had attended short courses in child protection and child abuse. There is no certainty, of course, that more qualification and training leads to more reporting of abuse, or conversely, that no qualification or training leads to no reports.

The interview schedule asked the providers whether, in their opinion, any child they had looked after had been the subject of child abuse. They were then asked the circumstances of at least one case (all had acted upon concerns about several children). Where they chose a case to report, I asked for one that 'stood out' for them. In all, 11 cases are included in the analysis below. This method was designed to illustrate issues rather than be in any sense 'representative', and the accounts given vary in detail according to the reporting style of the respondent. The respondents were encouraged to tell the 'story' of the case, and there was an attempt in the interview to cover their assessment of behavioural indicators of abuse, the involvement of other professionals, the feelings of the respondent and the staff involved about the way the case was handled by social services departments and/or the police, whether the child continued to attend the service and any subsequent repercussions for the day care service.

7.4.3.1 Assessing abuse

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Typically, day care providers used an accumulation of 'odd' or discordant incidents over time, such as events, conversations and physical marks on children, plus a catalyst event to assess physical abuse or neglect worthy of involving other welfare professionals. By 'discordant' I am referring to the day care providers' experience of that particular child, for example, changes to 'normal' patterns of behaviour, and in relation to the norms of that day care service. One example of a change in normal patterns was the quality of food brought in for a child, compared to the other children and compared to the providers' experience of the food normally brought in for that child.

One day nursery manager's assessment of abuse went as follows. She noted that a 'solicitor's child had a cut on the head'. Previously she had 'been suspicious', because the child was 'often smelly and dirty', the 'food brought in was not suitable - mouldy cheese and dry bread'. She then elaborated on the additional information she thought was relevant. She reported that the family had several children, 'all at different schools. The mother had a cot death while the child was here and then [had] another baby and called them by the same name. We tried not to be influenced but it all added up.. When the cut

came I had to do something'.

Another day nursery manager reported that while away from the nursery on a course, 'the deputy 'phoned. There had been odd marks [on a child] over course of time - could have been an accident, and odd conversations. Then the child clearly said, without encouragement that something had happened to her sister - Dad had hit or punched her'.

A childminder reported from previous employment in a nursery that 'one child who wasn't on the child protection register seemed a well cared for child [but] if he couldn't get his own way he was very aggressive towards us. He'd turn from being sweet to screwing up his face and use language like 'you are the devil'.. ..We found out [from an older sister] that he was locked in his bedroom....One morning I talked to him, he had bruises'.

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Day care providers assessing sexual abuse also reported cumulative events followed by a catalytic event, but in these cases the respondents' reports of the catalytic event included an awareness of a degree of alarm or anxiety which the event caused the nursery nursing staff involved.

A playgroup owner reported that in the nursery she ran there had been a

'withdrawn girl, who wouldn't play with boys, just dolls. I found the game unsuitable ... such as putting two dolls on top of each other and moving them up and down. She sat on the knee of the nursery nurse and told of things she and daddy did when mummy was out. We weren't sure what she was saying. We kept notes. She talked about tickles and cuddles ... Gradually it built up. She was funny about using the loo - seeing her without clothes - she'd wait for everyone else to go away. One day she had a vaginal discharge. The **nursery nurse was very young and disturbed** by this'. (emphasis added)

Another example of this alarm was

'an outgoing child, friendly and sociable, (who) became tearful, wetting, sitting outside, not wanting to go home - within three days ... I thought maybe something was worrying her. I said to mum on the second day 'is everything OK?' and she said 'yes'. On the third day **the member of staff was very concerned**. I spoke to the child ... she said a boy had been putting his willy in her mouth'. (emphasis

added)

The idea of a history or an accumulation or series of events or factors preceding eventual further action, such as referral to social services, is found in the diagnoses of other professionals¹². It is debateable whether the use of a 'history' approach by professionals ensures greater accuracy in an assessment of abuse, or merely delays eventual official investigation. It would appear, however, that an event perceived as severe, or more serious than previous ones, warrants the 'phone call that brings the involvement of statutory welfare agencies, and the possible official label of abuse.

7.4.3.2 Day care providers' perspectives on involving other professionals

On the whole, when day care providers believe an event to be severe enough to involve other professionals they telephone social services departments. This could be either an unknown 'duty officer', or a social worker already involved with the child. In four of the 11 cases reported, the police became involved in the investigation and so came into the nursery premises almost immediately. In one case the nursery staff took a child to a doctor's surgery for verification of the injuries received, and in one case a health visitor was telephoned 'for advice'. In this case the respondent said 'I had no idea the health visitor would contact the social services department'.

Several respondents reported unexpected consequences of reporting child abuse to social services departments. One consequence was feeling overwhelmed by the numbers of professionals involved in a child protection investigation. One respondent said: 'I was phoned at home and told to expect the social worker and police the next morning. They collected [the] mother and brought her to the nursery. Both nursery nurses were there with police and social worker and mother in the hall. I had to call in two extra staff to cover the other children. The biggest problem was these other people in and out of the nursery'. Another respondent, a private playgroup owner renting school premises said:

¹²Hobbs (1994) at an NCB conference entitled 'Child Protection in Early Childhood Services' reported on use of a 'jigsaw model' to diagnose child abuse.

'[we had] police in the premises - the Head didn't know - it was horrendous'.

A second consequence was a feeling of distress about the way the investigation was handled. One respondent said 'I just felt we weren't involved. I happened to meet the social worker one day and asked about him'. Another said: 'Everyone involved was upset and offended'. A third said '... it wasn't pleasant having the social workers and police here'. A fourth said: 'It was a catastrophe ... They made an almighty mess of it. They crashed it. It was badly handled'. Finally, a fifth respondent said: 'Social services went in mobhanded. No half way point. No way for a more experienced person to go in'.

A third consequence was disagreement with the outcome of the investigation. One respondent disagreed with a decision to leave a child at home after the investigation. She said: 'All the red tape, you can see what needs doing but you can't get it done. Yes, I wanted to take that child home - I wanted her removed'. Another respondent felt social services had not responded in time to a telephone call warning of the need for investigation: 'I knew mum was suicidal. I said to the social worker they had to do something - on Sunday afternoon a relative found mum had committed suicide. The child was there. I felt thoroughly let down ... There's not enough common sense allowed'. A third respondent said an investigation she had initiated had not been followed up: 'There was not a word later. [The] nursery nurse wasn't asked to repeat the story - no case conferences. I was told by the Under Fives Officer they'd dropped it all'.

A fourth consequence was that sometimes providers were not informed about the outcome of the investigation, leaving a feeling of being peripheral to any ongoing work with the family. One respondent said 'I never found out what happened next'. Another said: 'I didn't know what happened. I hadn't been informed that the child was on the register'. A third said: 'We never heard what came of it. The mother removed the child and that was it. No one told us'.

Of the 11 cases, three children continued to attend the day care service after the investigation. For example, the childminder extended her service following the

investigation of 'abuse': 'we had the little boy staying with us for two weeks'. In all these cases, the respondent reported more satisfactory experience of social services involvement, suggesting that continued involvement of the day care service is important in retaining faith in the investigative process.

The experiences related above, of working with social services departments and others following an investigation of abuse, provide some depth to the general picture of consulting social services over concerns for children given earlier in the chapter. Among the whole sample, respondents generally viewed social services as an appropriate and straightforward source of help in the event of concerns about a child. For many of these respondents, however, contacting social services in this way was hypothetical - they had not actually done so. The subsample above demonstrates how the particular nature of child protection investigations gives rise to unexpected, and complex consequences.

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7.4.3.3 Repercussions for the day care service

Apart from the unexpected consequences reported above, there were some longer term repercussions for the day care providers or their service. In two cases, respondents reported that they felt personally attacked by a (male) family member of the child concerned. In one case 'the father wrote to the social services department accusing me of unprofessional conduct. I had to go through an official complaints investigation. He said he'd do anything to shut me down or give me a nervous breakdown ... The department had anonymous calls about the nursery for about a year. It makes you wonder whether it is worth reporting it at all'. In the other case, '[after the] mother was seen - she got on the 'phone to the husband who came to the nursery and was abusive to me. I was terrified ... I had a solicitor's letter saying I had stood in the way of parent and child'.

Given the findings presented earlier about a lack of institutionalised support for workers in day care settings, the vulnerability of such day care workers who do become involved in child protection investigations is arguably obvious but also alarming. Indications are that some providers may be put off reporting suspicions of abuse or concerns about

children because of a real fear of the repercussions from angry fathers.

In two other cases the respondent was involved in official activity. One respondent who was kept informed about events subsequent to the investigation by the social worker went to the case conference. This was one case where the child carried on attending the nursery. In the second case the day nursery manager was involved in legal action. As a result of the investigation, the children were taken into care, and the respondent kept records and attended court to give evidence.

Finally, for some day care providers, an unsatisfactory outcome of a child protection investigation left them with a feeling of failure towards that child. One, whose words seemed to sum up the experience, said: 'I personally felt I'd failed with the child with the burns'.

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7.4.4 Section summary

I have focused in this last section on the difficulties for day care providers in their involvement in a number of child protection investigations. This is not to argue that all such investigations are necessarily impossible, or that social services departments in some sense 'get it wrong'. Rather, there are embedded, structural factors which contribute to these difficulties. One factor is the potential in a child protection investigation for a change to the nature of relationships between the day care provider and the child's parents. The intervention of welfare professionals, not necessarily at the request of the parents, can lead to a very different working relationship for the day care provider with the parents. This can have implications for future relationships and the concept of 'partnership' in particular.

A second factor is the construction of some day care services in the self-help, voluntary tradition. The ethos of independent day care services tends to be one of providing a service for the local area, for mothers, and often staffed by women who are themselves mothers. This is particularly the case for committee-run playgroups, but it is also relevant

for childminders, who although running private businesses of childcare rely to some extent on the childcare resources of the local area¹³, as well as the supply of working mothers in an area. Day nurseries too, although mostly in the private sector, rely on local (voluntary and financial) support. Specifically, day care services often rely on mothers for additional help and support in staffing and servicing the services. In a real sense, the service and the community are intertwined. Indeed, this is encouraged in the Children Act 1989 Guidance (eg., DoH, 1991a:3.9; 3.7). Child protection services, however, are a product of the statutory sector. In implementing a child protection policy, the day care provider is asked to combine their particular background and their everyday relationships with the 'community', and adopt the 'policing role' of the statutory sector services.

A third problem inherent in the structure of integrating the two policies of child protection and day care is the relative nature of child abuse. Even if day care providers had training opportunities akin, for example, to those available to social workers, the practices of identifying and reporting suspected child abuse are likely to vary between individual providers. In my sample, those who reported child abuse tended to have had more training than the sample as a whole, but this does not mean that each day care provider would view each child's symptoms as equally significant. One advantage of training in child protection procedures, however, is that theoretically it enables some preparation for the likely sequence of events in the event of participation in an investigation in that local authority.

The research has demonstrated some factors which can contribute to a more positive experience of participation in the child protection system for some providers. One of these is continuity of care for the child. In the cases where the child carried on attending the day care service after the investigation, the respondent tended to feel more satisfied with the process. Second, keeping the day care provider informed and involved in the process appeared to be important. Where the respondent was informed of significant details, such as the child's name being on the child protection register, the day care

¹³Childminders in this sample frequently had contacts with other services, such as playgroups, schools and toy libraries, in the local area - see Appendix 2.

provider felt more involved in the process, and more able to contribute constructively.

7.5 Conclusion

This chapter has analysed the views and experiences of 49 providers of three types of independent day care for children under five and from supplementary interviews with local authority officers and voluntary organisations. It has viewed the responses of providers as 'targets' of a policy, whose perceptions provide a valuable commentary on the extent of implementation and the implications of the policy. The theoretical framework used concepts of governmentality which emphasised the institutional structures and tools of surveillance through which dominant ideas or normative assumptions are transferred, and the dominant discourse of child protection, which utilises knowledge or expertise in particular ways and which provides the language and concepts through which ideas about abuse are debated and acted upon. Also important is the idea of shifting allegiances and alliances, so that while a discourse of child protection may be internalised by day care providers other influences on their participation in the child protection system may be important. An example is the role of the private market in day care, where providers interpret other day care centres as competition rather than colleagues. Another example is the reported adverse implications for community relations in some, particularly rural, areas, of providers' participation in child protection conferences.

The reporting of new empirical data was in three parts in this chapter. First, providers perspectives on caring through observing children noted an emphasis on individuality and on relationships between providers and children and providers and parents in order to provide the necessary information for 'good' caring. In the second parts the analysis focused on the evidence of implementation of *Working Together* and concluded that in most respects there had not been a programme of implementation in respect of day care providers. The third part concerned the appropriateness of these child protection responsibilities for providers in independent day care services. The analysis of the data in response to this question looked in detail at both the prospect and the experience of

participation in the child protection system. Summaries at the end of each section (7.3.6; 7.4.4) have summarised the main points. Here I will make a few concluding remarks.

The analysis of policy relating to day care presented in Chapter Six argued that a process of formalisation of roles and expectations of day care providers could be seen in both the specification of standards for day care provision in Guidance (DoH, 1991a) and in *Working Together*. However, the exploration of the analysis of the structural contexts of independent day care argued that this sector was largely reliant on informal, trust based social relations. Large numbers of the workforce do not hold a relevant childcare qualification, and fewer hold a qualification in a specialist area such as child abuse or protection. The analysis, therefore, was of the implementation of a formal procedural policy onto a set of services and a workforce where the policy concerns may not be central to the services' concerns, and where the ethos in the respective fields differs.

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The evidence from this sample suggests that there is indeed a gap, in other words, between policy expectations in child protection and day care practice. For example, the extent to which providers had received awareness training in child abuse was limited, as was the extent to which procedures to follow in the event of suspected abuse were in place. There was some evidence that *ad hoc* arrangements to support providers doing formal protection work worked to some satisfaction but equally, there were examples where support for this work was lacking. There were no institutionalised support links between independent day care providers and local authorities or other agencies in the arena of child protection that operated through training, ready availability when suspected cases required expert discussion and in event of formal investigations. Using providers perspectives to shed light on how they experienced or thought they would experience this work enabled me to illustrate how there had perhaps been a lack of understanding on the part of child protection policy makers about the particular structural context in which independent day care is carried out.

Moreover, the particular values and orientations of day care providers in this sector may influence the extent to which they can successfully participate in the system of child

protection. For example, trust relations with parents and children are seen as key to caring for children and a successful business relations. Through these relations information about the children and the family is gained, and daily negotiations about the transfer of caring responsibilities is conducted. However, the principle of working in partnership with parents, which, as we saw in Chapter Five and Six, is supported in the both *Working Together* and in day care (DoH, 1991a), is interpreted differently according to the objectives of each field. This can lead to dilemmas in practice. The meaning of partnership can differ. For day care services with their origins in the voluntary self-help tradition, partnership is linked to ideas of 'community' and commonality of status between workers and parents (De'Ath and Pugh, 1985), and to providing a local service for mothers. In recent years, parents have been encouraged to participate in day care services and providers, whether situated in the private or voluntary sectors, have been encouraged to incorporate parents not as an addendum but as equal partners in a 'joint endeavour'.

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The child protection system, however, with its emphasis on reporting and investigating allegations of abuse by social workers and police, views partnership differently. Here partnership refers to a principle of openness in discussing allegations of child abuse, and respect for the views and wishes of parents and child. The responses from this sample demonstrated that, while in principle day care providers wanted to talk to parents about the difficult subject of child abuse, in practice this left them anxious. They felt ill-equipped to do so, were concerned about 'getting it wrong', and were left unsupported and unprotected in the face of angry and sometimes violent and abusive parents¹⁴.

A second problem for day care providers, as for all services with child protection responsibilities, is the relative nature of abuse. This means that perceptions of what constitutes abuse vary. It is difficult to identify abuse with any certainty, but the consequences of doing so are potentially grave, as the experiences of these workers

¹⁴The DoH (1995c) also recognised the difficulty for social workers of working in child protection cases where parental reaction is unpredictable and sometimes violent, but these workers have institutionalised support.

demonstrate. There may be some disincentive, therefore, to look for abuse.

Lastly, cases of participation in the child protection system suggest a range of difficulties for day care providers. Once the provider has decided that symptoms of abuse exist, or need investigation, they report to social services departments. The consequent and largely unexpected difficulties include being overwhelmed with the scale of the investigation; feeling some distress about the way the investigation was handled; lack of involvement in the process; and disagreement with the outcome of the investigation.

Finally, some indicators for more successful child protection investigations were discussed. The evidence from this sample suggests that combining a child protection policy designed for statutory sector services with independent day care services is problematic. The problems of reporting child abuse with any certainty within public health and welfare services were exacerbated in the case of day care services.

This chapter has focused on how providers have experienced or think they would experience the elements of the child protection system as laid out in *Working Together*. It has examined issues of partnership, perception and participation as relevant to their inclusion within both the community gatekeeping and the formal child protection roles prescribed for day care. In the next, and last chapter, I will bring together the three sources of evidence and the conceptual framework developed for the thesis.

CHAPTER EIGHT

IN CONCLUSION

This thesis has examined the interface between two public policy discourses: child protection and day care. In order to do this it has adopted a tri-partite design. The three parts of the thesis incorporated: an historical analysis of policy relating to the development of legislation designed to protect children living with their families in 1868 through to the dual support and protection approach of the Children Act 1989; a contemporary policy analysis of the interface of day care and child protection, in particular examining the welfare roles evolved and prescribed for day care and the structural contexts of independent day care services; and, last, an analysis of the views and experiences of day care providers in the field of welfare and child protection based on new empirical evidence.

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The thesis has adopted a multidisciplinary approach in that it has drawn on a conceptual framework developed within sociology, and an historical perspective and techniques of legislative and policy analysis drawn from social policy and socio-legal studies. It has further drawn on certain critiques of social work, day care and child protection studies, which in turn have origins in the history of social welfare, developmental psychology, and policy analyses of children's services. Such a breadth of theoretical and empirical sources was necessary because the study combining these two fields of social policy is an original one and thus there were various literatures from which to draw.

The study is original on three levels. First, there are no previous studies examining the interface of policy and practice in the two spheres of child protection (located in the statutory sector) and general day care services located in the private and voluntary sectors. Second, the study unusually utilises an historical, analytical and interpretative approach to explore and illustrate the links underpinning the two fields of policy. Third, the study links three types of evidence, historical documents (primary and secondary) and contemporary policy documents (primary and secondary), and new empirical interview

data, to produce emergent themes of the analysis.

In this concluding chapter I will revisit the aims and objectives given in Chapter One (1.2) and specify where and how these have been addressed. I will discuss the usefulness of concepts such as governmentality, self-regulation and care, before reviewing two methodological options for a study of this kind. I finish by drawing out some broad conclusions and some outstanding research questions that have emerged from the study.

8.1 Where and how have the aims and objectives been addressed?

The thesis identified three general aims and two more specific objectives. These aims and objectives were addressed in the three main data chapters.

8.1.1 Making explicit underlying assumptions

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The first aim was to uncover and make explicit the underlying assumptions that have shaped and continue to shape the development of policy in child protection and day care. Using the concepts of governmentality and self-regulation, outlined in the theoretical framework in Chapter Three, and the methods of policy analysis outlined as part of the design and methods in Chapter Four, policy was considered as the regulation of practice that gains compliance in many subtle ways, and not necessarily through direct imposition of a clearly identifiable programme by government. From this perspective, the views and experiences of practitioners, in this case independent day care providers, were considered important in evaluating the implementation of policy. This perspective also emphasised the possibility of shifting allegiances among policy makers and practitioners allowing for the prospect of new assumptions to evolve and underpin policy.

The two policy fields of child protection and day care were identified as developing in largely in parallel, and were brought together in a single legislative framework in the Children Act 1989. Examination of the underlying assumptions in each field suggested, however, that common assumptions were held in each field and these underpinned policy

developments over time. Chapter Five examined the historical evidence about policy development and found that 19C and 20C child welfare policy was shaped by assumptions such as the child's best place was within an idealised form of the family, that the privacy of the family from excessive state interference should be preserved and that child rearing was a mother's primary responsibility, ideally in the privacy of domestic homes. In these circumstances, it was assumed that the state should offer limited additional help to families in certain circumstances, and policy developments should attempt to uphold and reinforce the private family's responsibilities for children.

This set of assumptions underpinned policy debate and developments in both child protection and for day care over the course of the 20C, and were supplemented by other assumptions. In particular, assumptions about the ideal standards and behaviour of mothering began to be incorporated into policy, such as that aimed at discouraging mothers from paid employment in 1945 (MoH, 1945). While my examination of these assumptions over time stresses their continuity and reinterpretation in policy developments, assumptions that underlie policy can also change quite dramatically. For example, the post 1997 Labour Government has initiated a series of policy measures underpinned by the assumption that, contrary to earlier policies, mothers should be employed in the labour market (e.g., Working Families Tax Credit; Welfare to Work); and this assumption also underlies a recent policy document about day care which said 'women and men struggle with choices over work and family responsibilities' (DfEE, 1998a: Foreword).

8.1.2 Identifying relevant policy debates

The second aim was to identify policy concerns, debates and research evidence aimed at exploring the interface of child protection and day care. Three main points emerged from the analysis. First, Chapter Five showed that the key concern of policy debate in child protection was to safeguard the privacy and autonomy of the family while at the same time enabling the state to identify vulnerable children. The development and reformulation of policy over time gave varying emphasis to different methods of

protection. One method was through investigation into individual circumstances and prosecution of parents for failure to provide for children, for example, under the 1889 Prevention of Cruelty to Children Act; another was the provision of services in order to prevent the deterioration of parenting standards to the point where individual protection was needed (1963 Children and Young Persons Act).

The 1989 Children Act sought to combine investigation and support services, although evidence presented in Chapter Five from implementation studies suggested that local authorities placed greater emphasis on protection through investigation of the circumstances of particular children than on expanding support services. Central government addressed this in the mid to late 1990s, suggesting that instead of seeing the two sets of services as distinct and separate, they should be seen as a continuum (DoH, 1995). The extent to which this has, in practice, proved possible has yet to be evaluated, but one question to arise from this shift of emphasis is how far it is possible to combine support services, of which day care services are a part, with child protection, which is essentially a procedural means of organising responses of suspected cases of child abuse (Home Office *et al.*, 1991).

Chapter Six showed that in the case of independent day care services, the underpinning philosophies, and the historical and structural organisation of day care, all suggest that childminding, day nurseries and playgroups are primarily services for fee paying parents for the purposes of education and care. Furthermore, the study demonstrates that day care providers hold a marginal occupational status. Chapter Seven demonstrated that those who worked in day care in my day care study had few links with colleagues or local authorities to establish institutionalised support for their work, and rarely perceived formal child protection as an explicit part of their role with young children. This group of workers had relatively little experience of, or training in, formal child protection work. Moreover, their mode of organisation is more heavily reliant on trust relations with parents/mothers than other types of providers (such as teachers, for example). This provides a weak institutional base from which to expand the formal child protection role. The experiences of this group of workers further suggest that there may be limits to the

extent to which independent day care providers can be both a family support service in the sense of providing a service that upholds the privacy of the family and a formal protection agency in the sense of identifying individual children who may need the protection of the state.

The second main point to emerge from the analysis of the interface of child protection and day care is that an examination of public policy reports in Chapter Six showed that there have been repeated attempts in welfare policy documents to articulate a potential role for day care services in both preventing child abuse and responding to suspected cases of child abuse. However, the implications of that role in practice for day care providers were never examined in detail. Furthermore, an assumption that independent day care services could implement child protection policy was incorporated uncritically into *Working Together*.

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I demonstrated in Chapter Five that public day care services developed slowly, and public policy addressing issues of access to day care services was mainly drafted on the basis of assumptions about mothers' temporary or longer term unavailability through health or employment. Chapter Six showed that by the early 1980s, it was clear that, for the most part, public day care serviced children at risk of abuse or neglect. Public day care was delivered through local authority day nurseries, family centres and a small number of sponsored places in private and voluntary services and these services constituted the principal interface of child protection, in the sense of responding to child abuse, and day care. Welfare policy documents advocated a role for day care services both in preventing child abuse and neglect and in participating in the system of identifying and reporting possible cases of abuse and neglect (e.g., HC, 1977: 68; 444). However, the discussion in Chapter Six of child abuse inquiry reports also showed that in some cases, multiagency participation in cases of child abuse was difficult for day care providers. For example, the finding that providers' views were not taken sufficiently seriously served to illustrate their limitations to effect the adequate protection of children.

The message from welfare reports (e.g., DHSS, 1980a; DHSS 1974c; HC, 1977) was that

day care services had an important role to play in both prevention and in the formal system of protection. Chapter Six presented evidence showing that playgroups in particular adopted a welfare role, looking after children who had sponsored places, but policy addressing independent day care services as a whole did not explore the growing expectation from welfare reports that independent day care services could and should do this work.

The day care study demonstrated that in both local authorities visited, there was little evidence to suggest independent day care services had been formally integrated into the child protection system through training in awareness of child abuse or child protection procedures, through involvement in child protection conferences, or high standards of communication about individual cases, or through the policy making organ, the ACPC. Neither is there much evidence from policy debates addressing independent day care services of child protection roles being a central issue of concern. For example, in a key policy text examining 'contemporary issues in early childhood services', no chapter covers child abuse/protection issues and no mention is made of the subject in the index (Pugh, 1992; 1996). At the interface of child protection and day care, then, there has indeed been a policy awareness of the *usefulness* of independent day care services to child protection, and a clear development of the idea that public day care can be useful for children at risk of abuse or having been abused, but the general thrust of the policy debate in day care or early childhood has been more concerned with establishing its policy salience overall, rather than with developing particular expertise in the area of providers' child protection skills or experience.

The third main point to arise from this analysis is that in practice there has been a lack of in-depth policy debate. One of the features of independent day care services that has been overlooked in the incorporation of child protection responsibilities into their work is the structural context of these services. This, I argued, put these services into a unique position when it came to interpreting or implementing child protection roles and tasks. Chapter Six explored the structural contexts of day care and showed how although there are variations between the three types of day care, on the whole these services are small

scale businesses or community groups where the staff have a low level of relevant qualification and training, and there is an appeal to employment and motherhood experience to define their work skills and aptitudes.

I have argued that this organisational structure has particular consequences for the relations between service providers and local authorities and parents. Relations with local authorities are structured by regulatory conditions (DoH, 1991a) and in the post Children Act era have generally been formalised into annual inspection visits, backed up with some training courses rather than ongoing informal support. The day care study showed that the providers interviewed were relatively isolated from colleagues, and had few sources of support for their work. Social relations with parents were very important to providers: parents provided their custom, and for some there was a friendly or friendship quality to the relationship. In addition, being able to build a relationship with parents was seen as a key component in responding to the needs of individual children through being informed about any changes in the home setting. However, this reliance on essentially trust relations with parents had some disadvantages. Providers sometimes felt they were 'taken for granted' over financial or practical arrangements; and discussing concerns about individual children with parents was a source of worry and anxiety. For some providers with experience of child protection investigations, relations with parents were difficult to sustain. For example, some providers found it difficult to work with parents knowing they had or were suspected of having injured their children; others found that reporting incidences of abuse resulted in angry or threatening responses from parents.

This examination of the exercise of child protection responsibilities in the particular structural context of independent day care suggests that there is a gap between the expectations of policy that day care is a fully participating child protection agency, and the everyday experiences of workers providing these services. Although some day care providers in the sample were notable exceptions, and although other occupational groups might have some similar experiences of the formal child protection system, several factors combined to suggest that the written policy had taken no account of the particular structural context of independent day care and its likely impact. These factors included

a lack of inbuilt support, lack of recognition of the practical and status difficulties of participation in protection conferences, difficulty in obtaining full information from local authorities, and lack of awareness of the possibility of the reputation of the service being compromised by involvement in child protection processes.

8.1.3 Exploring the operation of the child protection system in independent day care

The third aim of the thesis was to explore the actual operation of the child protection system in independent sector day care services, with the specific objectives of investigating questions of breadth and depth of involvement. By breadth I mean the extent of providers' involvement across the range of activities such as identifying, reporting and monitoring cases of suspected child abuse, and in investigating the depth of involvement I sought to explore the issues and dilemmas that may arise for day care providers when they do participate in the formal child protection system. These questions were addressed in the day care study in Chapter Seven, and some of the findings have already been reported above (8.1.2) in the context of the first two aims. In the analysis of interviews with providers of day care, I drew on the relevant policy statements from *Working Together* for an initial framework, and addressed the extent to which written policy had been implemented. I then went on to consider issues of providers working in partnership with parents, their experiences of participation in the formal child protection system and their own perceptions of child abuse. I found that while these services did not perceive themselves as offering a specialist service to vulnerable children, about half of the 49 providers had had some involvement in welfare roles, either through community gatekeeping, such as formulating ideas about, or actually reporting, suspected cases, or through formal protection roles, such as looking after children sponsored by the SSD, or on the CPR. Of these, I identified that nine had had direct involvement in child protection investigations taking place on their work premises.

Two particular issues have arisen from the day care study that contribute to knowledge in the field. The first is the issue of training in child protection work. There is an assumption underlying the literature such as policy guidance (Home Office *et al.*, 1991)

that training in awareness of the signs and symptoms of abuse and in procedures to be followed will enhance the quality of reporting of incidences of abuse.

The day care study showed that awareness training was poorly developed ~~cross~~ the sample of providers, with more than half having had no training. Moreover, only a few (9/49) requested more training in child protection. Despite the lack of training, the providers interviewed were familiar with categories of abuse (employed for example, on the CPR), although some were uncertain about formal procedures of reporting abuse and about how to recognise some types of abuse such as sexual abuse or emotional abuse. Providers seemed aware that recognising possible child abuse and using the formal procedures was an area of expertise outside their own for which training was relevant, but they only expected to come across abuse rarely. Along with other research in the field (Brophy *et al.*, 1992; Ferri, 1992) these respondents also reported practical difficulties with accessing training, and these may be an additional disincentive to take up training they perceive is rarely used. However, the day care study also argued that training by itself does not necessarily improve the incidence, or the experience, of identifying suspected cases or using the procedures. The providers whose experiences of child protection investigations were explored in the day care study were better qualified and more experienced in day care work than the sample as a whole, yet the experiences these providers related were mostly of poor communication with other agencies, intrusive investigations and unexpected repercussions.

However, those in the day care study with training *and* experience were also often those who expressed their worries about the effect of the child protection investigatory process on relations with parents more clearly than those whose experience was minimal or nonexistent. Some more sensitive research methods would be needed to assess what, precisely, is gained by what types of training, particularly when awareness training is often a single session of short duration.

The second important point to emerge from the study is about obstacles to reporting cases of suspected child abuse. Chapter Two drew attention to the literature from other

occupational groups and in other countries which showed that obstacles to reporting exist regardless of the occupational status, knowledge base and legislative environment. I argued in Chapter Seven of this study that as many day care providers were familiar with the categories of child abuse employed by welfare professionals, and accepted a role for themselves in being watchful for signs and symptoms of abuse, they had internalised the discourse of child protection into their practice.

However, despite this internalisation of a discourse, it appeared that day care providers also constructed obstacles to the identification and reporting of possible child abuse. For example, they assumed a link between features of children's backgrounds and the likelihood of abuse occurring, in order to preclude their own involvement in cases of suspected abuse. Two features that providers cited were the social class background of children's families, and being friends or neighbours with the children's parents. Furthermore, day care providers' primary reliance on trust relations with parents and on building a relationship with children and parents in order to care for children also caused providers worry if they had to use this relationship in order to be critical of parenting behaviour, for this might damage the trusting relationship. A lack of confidence in the child protection system was also seen as presenting obstacles to reporting, such as poor communication with local authorities over particular cases, past experience where day care providers felt their anonymity had been compromised or where they had disagreed with the outcome of cases. A few providers (3/49) in the study had had successful working experiences in the child protection system and two childminders defined themselves as working for the SSD on a regular basis. The study drew attention to factors such as continuity of care for children and providers' involvement in decision making that appeared linked to successful outcomes for day care providers. But, for the most part, obstacles to reporting cases of suspected child abuse occurred both in the perception of what child abuse is and how it may be observed, and in using the formal system of child protection.

8.2 Using the concepts of self regulation, governmentality and care

A constructionist perspective emphasised the shifting rather than fixed policy environment, in which relations are negotiated and subject to alliances that form, dissolve and reform, sometimes dramatically, but more often less perceptibly. Meanings attached to policy, and policy itself, tends to evolve through interpretation and reinterpretation. This perspective employed the idea of a discourse of child protection, which suggested that the meanings attached to policies addressing child protection were dependent on the terms used to discuss the subject, the relative power and influence of those who discuss it, the emphasis given to it in legislation and national and local policy documents.

The concept of governmentality was used to illustrate how the regulation of individuals and institutions is achieved through both the structures and techniques of government and utilisation of bodies of expertise through the regulatory structures. In the context of day care providers, governmentality illustrates that the regulatory conditions of their work have been specified with reference to knowledge bases derived from public health and from child development. For example, the latter informs and specifies the regulation of premises, and health and safety standards, and the latter the regulation of persons, and interpretive criteria such as 'warmth of care'. With regard to questions of how day care providers incorporate a child protection role into their practice, the specification of standards in national policy was not evidenced in local programmes of implementation, and practice was found to be haphazard, dependent on local circumstances and individual skills and interests. This might suggest that while providers were not resistant to the idea of child protection the policy tools employed have failed to engage with normatively held skills and practice in order to ensure policy objectives are met.

Using the concept of governmentality allows us to see that the highly specified procedural route which constitutes the formal child protection guidance is an instrument of governing, setting out the kinds of information and the kinds of skills that are relevant to investigate and make decisions about. By comparison, the few means of access to formal authority or organisational power available to providers means the 'governing'

undertaken by day care providers is more informal but specific, as other considerations impinge on their lives: they can resist the policy directives, or interpret them in the light of commercial sensitivities or community relations or past experience of child protection practice. For example, they can decide whether what they see indicates possible abuse, or not, and they may decide, if it does, whether or not to report it, in the light of their relations with the parents (eg, especially if they were friends or had friendlike relations) and their beliefs and knowledge about the family and the way abuse occurs (eg., 'my families' or 'middle class families' don't abuse their children).

Employing the concept of self-regulation helped to illustrate how providers were policy actors, they internalised widely held values, and believed in what they were doing. In this study, self-regulation could be seen in the normative expectations of key activities such as parenting, mothering and caring. These have become internalised in the psychology of individuals, so that day care providers, as mothers and as carers, drawing on dominant discourses of child development, believe that certain practices define 'good' care and 'good' mothering/parenting behaviour. These normative expectations draw on widely held assumptions, sustained by child psychology, that have been subsumed within the dominant ideology of motherhood, such as the desirability of full-time availability of mothers, or carers who substitute for mothers, as the only appropriate carers. This has put care carried out outside the home, particularly group care, in a problematic light. But care as day care has been interpreted to incorporate some of these assumptions, so that policy documents frequently assert that childminding is 'better' or more appropriate for children under two than group care, because it more closely approximates mother care (Dillon and Statham, 1998). This assumption then becomes part of the discourse of good care of young children, but does not take into account the difficulties of mother-minder relations as seen in this and other studies (Bryant *et al.*, 1980; Nelson, 1994).

The idea that particular, expert-driven, normative expectations of parenting exist is given particular expression in the development of family centres which have a role in teaching parents/mothers 'parenting skills' to those seen to be deficient as parents, or in need of training. These normative expectations prioritise a particular notion of motherhood, as

Chapter Five showed, and can be seen in early NSPCC efforts to reform parenting, and in early 20C Schools for Mothers. In the context of day care and child protection work, normative assumptions, derived from child psychology, about what is normal and abnormal, shape how providers treat in practice assessments of childrens behaviour. An example from the day care study was a private playgroup leader's description of a three year old 'girl playing with dolls, not boys, and putting dolls on top of each other and moving them up and down'. The leader considered this was abnormal and possibly indicative of abuse. Self-regulation enables the internalisation of norms about which childhood activities are 'normal' and which activities might indicate abuse. Providers could readily name the categories in current use and they were conversant with the discourse of child protection.

Turning to the concept of care, this was identified as both human activity and social process, but the interpretation of what it constitutes was demonstrated as differing according to the particular context. In day care, skills such as identifying and anticipating needs and respecting others' integrity may be as important as having the 'right' [motherhood] feeling states. Care within the legislative provisions of the welfare state is framed as protection, and involves a balance and sometimes a tension between both providing physical and emotional care and exercising control. For example, the regulatory conditions for day care emphasise their role in protecting children by safeguarding a certain standard of care (DoH, 1991: 4.9). Another example is the provisions in the Children Act 1989 both to attend to the needs of (care for) the child through the welfare principle (s.1) and, in certain circumstances, remove the child to alternative accommodation either in an emergency (s.44) or on a longer term basis (s.31), should certain threshold criteria be met, thus enabling the state to acquire some parental responsibility for a child. The day care study drew attention to 'caring' as attending to physical and emotional needs, as well as caring as social relations, notably, the way providers negotiate trusting relations with parents. The study also emphasised how the potential and actual difficulties of caring as protection (and therefore involving control) were argued to be compounded in the case of independent day care providers due to the particular structural contexts of their work. The concept of care is therefore necessarily

elastic, and the relative weight of its component parts will depend on the context in which is it examined.

8.3 How would I have done the study differently in the light of having done it

The exercise of completing a PhD thesis is in part one of learning about method through doing. In the light of the learning gained by having completed this study it is worth considering how the study could have been completed differently. The decision to utilise an historically informed approach to policy analysis alongside contemporary policy analysis followed by new empirical material was useful in that a depth of understanding of relevant concepts could be developed in parallel with an understanding of the unfolding legal and policy context. The main methodological problem for the contemporary investigation is that inquiring about practice and beliefs in child protection is a sensitive area of study. The main question then becomes how to achieve a depth of interview data which includes not only accounts of practice but responses to events on a detailed scale in order to ascertain why and how events took the course they did and what were the important features of decision making for respondents. When considering further possibilities for the collation of interview data, I am not, for the moment, constrained by the practical considerations which structured my data collection (outlined in Chapter Four).

There are two main options for undertaking a study incorporating goals of both breadth - the extent to which the policy is practised across a range of activities; and depth - the issues and dilemmas arising from practice. The first option would be to consider an approach with much less structured interviewing which would enable more detailed probing of responses and experiences and perhaps enable a fuller picture of the child protection 'events' to emerge. This approach would have meant a two stage process. The first stage would involve a survey of day care providers on as large a scale as resources would allow to ascertain the extent of involvement in different kinds of welfare practices, and child protection investigations. This survey would answer questions of breadth. It would also act as a screening questionnaire to enable the selection of a purposive sample

with experiences to explore in more detail and a comparative sample with no experience whose beliefs about child protection practice and about child abuse could be documented. Then in-depth guided interviews could take place which would explore responses to events and relations with parents and other agencies and changes in these relations. This method would still use providers as the main data source, but would not, as is the case in my study, have the benefit of interviews with local authority officers and representatives of voluntary organisations. To gain a fuller understanding of the social relations in operation, interviews with parents/mothers would be required. These could perhaps be arranged, if carefully managed, through the providers. This approach would have the advantage of focusing the 'depth' part of the data collection on providers with actual experiences to relate, and not, as was the case in my study, with trying to cover two types of question (ie., to what extent is the policy practised, and what are the issues and dilemmas when doing so) with one, randomly selected, sample of providers.

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The second methodological option for data collection would be to expand the range of interview respondents and take a prospective rather than a retrospective approach. This would involve both participant observation and interviews with relevant participants to child protection events such as reports and investigations. Using this method, a number of day care services would be observed and where a child protection event occurred, this would be followed through by the researcher through documenting subsequent events and interviewing key participants such as the mother/parents, local authority officers, day care providers and their staff. This may produce more in-depth data about how decisions about identifying, reporting and investigating cases of suspected abuse are reached, and how participant respondents interpret their roles and responsibilities. This lateral expansion of data sources may permit a broader understanding of perspectives on child protection events occurring in day care services, and so perhaps a deeper understanding of how decisions came to be made in the way they were. Moreover, this would also allow a focus on the social relations in place. This prospective approach would not, however, answer the question of breadth posed above about the extent to which day care providers are involved in child protection work, and may engender a further range of ethical problems around observation of practice.

Both approaches pose substantial practical problems compared to the approach selected. First, neither alternative method would have been compatible with my employment on the Children Act Project and using its fieldwork stages to collect data about child protection work. Second, both methods would require additional funding and DoH approval, both unknowns at the time, but perhaps unlikely to have been available to a PhD student. Third, both pose ethical considerations beyond those already identified in Chapter Four. Documenting practice in more detail and/or prospectively in a sensitive area may have revealed children exposed to serious injury or harm that would require the researcher to take child protection action themselves, and potentially disrupt the confidentiality arrangements established for the purposes of data collection. These ethical issues, while not insurmountable, would require careful consideration.

Fourth, both these alternative approaches focus on specific events rather than child protection work in the context of other welfare work and their caring work generally. The effect may be falsely to create a distinct category of child protection work that overlooks other work and perspectives at work. Finally, when the study began in 1992, the available literature was very sparse, and it was difficult to anticipate how much or little would be reported by respondents. This directed me towards a random sample of providers in order to address the question of breadth. In summary, it is of course possible with hindsight to construct alternative methods for collecting data and each method described here offers some advantages but also some considerable disadvantages, and would shift the focus of study in one way or another.

8.4 Concluding the conclusion

This chapter has already set out where and how the aims and objectives of the thesis set out in 1.2 have been met in the preceding data chapters, and in the course of doing so has set out some of the main findings and considered how the concepts deployed were relevant. I also considered how the study might have adopted a different approach. Finally, I will identify some outstanding research questions.

The interface of child protection and day care has to date mostly concerned the welfare roles of public day care services. This study aimed to add to the knowledge base of how child protection work is perceived and experienced by independent day care providers working in the private and voluntary sectors. A third dimension of this interface is the use of independent day care for sponsored places, and a recent national study has added to knowledge here (Statham, Dillon and Moss, 1999; Dillon and Statham, 1998; Moss, Owen and Statham, 1998). The findings from a national survey of local authority officers and a more detailed study of providers' experiences in sponsored day care work in twelve local authorities found that this type of care has become an increasingly specialised, time-limited service for children under three, with a strong focus on family support. Demands on providers were increasing as the children and families' needs were more severe, and there was less time to build up relationships as children did not stay in the placements for long. Two thirds of providers who responded in this study thought they were either adequately or insufficiently supported by the local authority (Statham *et al.*, 1999). This lends support to the similar findings in my study where 41% of those with experience of formal child protection or sponsored day care work could not identify anyone whose job it was to offer them support for their work (Chapter Seven: Table 7:3).

Findings emerging from the third stage of this study (identified above as Statham *et al.*, 1999), which focused on work in two local authorities, suggest that parents of children with sponsored places may have very different perspectives on different kinds of care compared with local authority officers and day care provider themselves. For instance, parents sometimes did not take up places with childminders because they feared their parenting skills would be open to criticism by the childminders (Statham, personal communication). This finding, if repeated on a wider scale, is very important because it cuts across the assumption that young children, particularly those under two, are 'better' cared for by childminders as the care they receive is more home 'like'. It is also important because it underlines the potential difficulty of mother-minder relations in the sensitive area of caring for a child with recognised 'problems'.

So, research at the interface of child protection and day care that combines an analysis

of policy and practice and enables differing perspectives on practice shows that social relations between providers and parents are potentially problematic as policy, parents and providers may have differing value bases about what constitutes good care for children and acceptable social relations for adults. Further research could usefully build on my study and that of Statham *et al.* (1999) and explore these differing perspectives in relation to different types of day care work in order to identify where and in what circumstances social relations between parents and providers can be enhanced while at the same time ensuring that services can offer an effective child protection service.

The issue of training for day care work and for child protection work in day care has been raised in the thesis. General issues in early childhood concern the level and coverage of training, and the relative weight of training and experience. I pointed out the lack of a consensus about what should form the core skills of day care work, although recent policy attention has focused on uniting the disparate structure of early years training in the notion of a 'climbing frame'¹ (QCA, 1998). However, an outstanding research question concerns the relationship between the attendance at short courses in more specialist areas such as in awareness of the signs and symptoms of child abuse and in procedures for using the child protection system, with perceptions of and courses of action in, cases causing concern. Given the findings of this study of difficulties with obtaining training, and in some cases of respondents' perceptions of training in child protection as not always relevant, as well as the obstacles to reporting child abuse noted above, further research could usefully explore the precise use, and so value, of training which is available. In particular the interaction of providers' perspectives on the merits of training and the experience of using training in child protection could be explored. It may be, for example, that the dominant normative framework of motherhood, within which alternative understandings of practices are precluded, and that underpins care by independent day care providers, also influences the perception, or use made, of training. If this were to be the case, further research would have considerable indication for the

¹The aim of 'a 'climbing frame' is to help people enter, move and progress in the (childcare) sector as well as to move to other related occupations' (QCA, 1998:15). This supports the policy objective of a 'comprehensive and flexible framework of training and qualifications' (DfEE, 1998a:2.19).

breadth of the training curriculum.

Finally, further research could also investigate whether the emphasis placed in this study on aspects of the structural context of independent day care as underpinning the responses to and involvement with the formal child protection system also applies to other occupational groups. Questions about the conditions and status of work, the particular social relations invoked by the work, the normative assumptions upon which day care draws for everyday practice and the views and experiences of providers could be transferred to another occupational group (such as nurses, midwives or teachers) holding a peripheral but formally prescribed role in the child protection system. This might establish the extent to which the claims made in this study for certain unique aspects of independent day care hold in other employment contexts.

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APPENDIX ONE

PILOT FIELDWORK FOR THE STUDY AND PRELIMINARY ACTIVITY

Pilot Study

Pilot work for the study was carried out in Summer 1993. It consisted of interviews with day care providers and with officers responsible for child protection matters and for day care services. I also examined records held on childminders by an under eights adviser in one social services office in an East Anglian city. This was done to see if it would provide useful data in the main study. Although the data collection for the main study was carried out in parallel with the Children Act Project, the pilot fieldwork was carried out independently of the Children Act Project.

1. Preparation for the pilot study

There were three main sources of preliminary help and advice. Firstly, discussions with members of research staff in Thomas Coram Research Unit (TCRU) took place between Autumn 1992 and Summer 1993. Secondly, I sought permission for, and formed, an advisory group of practitioners. Thirdly, the interview schedules were sent to national representatives of day care providers for comment.

*

i. Preliminary work in Thomas Coram Research Unit.

Pat Petrie, Julia Brannen, Peter Moss, Charlie Owen, Ian Plewis, Harry McGurk and Julia Brophy all gave comments on the idea, the design, and the method at various stages. Ethics guidelines were drawn up and approved by the Unit Ethics Committee and confidentiality/ consent forms were designed. These were designed to assure respondents that their names would not be divulged, and also to alert them that if I came across evidence of serious maltreatment of a child I would be obliged to speak to them about it and possibly discuss it further (see Appendix 5 (b) for further details).

On the basis of these preliminary discussions I designed a draft interview schedule and this was specifically commented on by members of staff.

ii. Advisory group.

This group, comprising an under eights adviser, a child protection coordinator and social worker, met once and I had individual discussions with each member in addition. Their role was to discuss the practice relevance of the project, and to facilitate the pilot project, to scrutinise the interview schedule, and to act as pilot respondents for the local authority officer interviews. Through this advisory group I was able to gain access to the lists of registered providers in one area of the East Anglian city from which to draw a sample and I was able to examine the records of the childminders. The advisory group was disbanded in late Summer 1993, after the pilot interviews were completed and I gave the under eights advisor some feedback on the work undertaken.

iii. National voluntary organisations.

I was able to have brief discussions with representatives of the Private Nurseries Association (PDNA), the Preschool Learning Alliance (PLA) and the National Childminding Association (NCMA). I learned from this that the PLA had set up a telephone helpline in late 1992 as an advisory service for playgroup leaders. I was told that the users of this service raised various concerns related to child abuse/protection issues. In particular, playgroup leaders wanted advice on how to help children appropriately where child abuse was an issue. Subsequently the PLA commented on the draft interview schedule. The other two organisations were sent the schedule but did not respond to the invitation to comment.

2. Sampling and interview procedure

Sampling of day care providers was completed from the lists of registered provision held by the under eights adviser who was acting in an advisory capacity to the pilot study, and who worked in one area of the East Anglian city. I confined myself to this area so that if any childminder or group had any queries about the project they could refer either to me or to their own adviser (with whom they were, theoretically, in regular contact) for advice. But beyond this there were some differences of procedure between the three types of day care.

An initial problem was that there were no day nurseries in the relevant area of the city. To resolve this I asked the under eights adviser to nominate a nursery for me to approach from another area. This nursery agreed and the interview was successfully completed.

For the playgroups and childminders I took a random sample from the lists of registered provision. Following selection I wrote to ten playgroups and ten childminders (see Appendix 5 (a)) requesting their participation in the study. These letters were followed up by a telephone call about a week later to discuss the request and arrange an interview. By this method I recruited seven childminders from my original list of ten.

A problem arose with the playgroup sample however. None of the playgroups initially contacted wanted to take part. Two main reasons were given: firstly, the end of the Summer term was approaching and they were very busy; and secondly, two groups said they looked after several children with special needs who were very demanding and as a result they did not have any spare time for research interviews. This slightly concerned me as playgroup leaders looking after children with special needs were likely to have useful comments for the study as a whole. But I viewed this experience as unfortunate timing rather than an aversion to the research project in principle.

To obtain the pilot interviews with playgroups leaders, I used contacts from a previous TCRU project in North London. Using these personal contacts, I interviewed four playgroup leaders. Although unintended, the inner city experience of these workers provided a useful contrast with the childminder and day nursery interviews on such issues as recording race and ethnic backgrounds of the children, relating narrative accounts of suspecting and reporting cases of child abuse, and working with statutory agencies.

In total, there were 12 successfully completed pilot interviews including seven childminder interviews, one day nursery interview and four playgroup leader interviews. Each respondent was asked to sign a consent form assuring them of the confidentiality of the content of the interview, and each was sent a thankyou letter after the interview.

3. Interviews

The pilot interviews illustrated wide variations not only between the three types of day care, but also within the childminder and playgroup samples.

I noted three major differences at this stage. Firstly, the interviews were held in a great variety of locations. Interviews were conducted in a nursery manager's office, in a community room adjacent to a playgroup, in the kitchen of a church hall attached to a playgroup, in the homes of childminders and a playgroup leader, and during the session of playgroup. In all but one of the childminders' interviews, children were present. This range of settings reflected the variety of circumstances in which day care is conducted. For the group setting of playgroups, the variety of interview locations also reflected the lack of suitable space for meeting with colleagues to reflect on playgroup practice while at work.

The second difference noted was variations in the presence or otherwise of 'colleagues'. While the day nursery was a manager, with staff to supervise, the playgroup leaders tended to have assistants and helpers. This means in playgroups the staff could discuss the children and the activities at least before, during and after the playgroup session itself, and the day nursery had a hierarchical structure and planned approach to discussing activities. But for childminders there were few such opportunities as they have no colleagues as such, although some have friends who childmind or attend a toddler group with other childminders where they can talk about the children. In all cases however, day care providers are relatively isolated from contact with other day care provision, and consequently had few opportunities for informal discussion about concerns about individual children.

The third difference was contact with other agencies. This is related to the issue of colleagues in that those respondents who had colleagues also tended to be those with most contact with other agencies such as under eights advisers, social workers, child health specialists etc. Contact with other agencies was more likely to be the case with the nursery manager and to a lesser extent with the playgroup leaders, than the childminders.

Further analysis of the pilot interviews suggested that these differences between and within provider types could have implications for the child protection practice in day nurseries, playgroups and childminders.

4. Issues of child abuse and neglect

About half the sample had some experience of issues of child abuse and neglect. The day nursery manager had been involved in several cases of reporting child abuse in her previous work but not in the present nursery. Three of the four playgroup leaders had reported cases of suspected child abuse to social services departments. The interviews

with childminders, however, illustrated the difficulty of relying on professional definitions of child abuse to trace cases where day care providers have been worried about a child's health or behaviour and have had to decide whether what they have seen constitutes 'abuse' and should be reported. While the childminders had less experience of reporting suspected abuse, several cited examples of behaviour that had worried them. For example, one childminder reported a child whose behaviour suddenly changed, and at about the same time the minder was told by neighbours that the child was seen crying at the window of her room for long periods of time. The childminder was concerned that she had a responsibility to talk to the parents, but did not know how to broach the subject with them, nor did she feel able to talk to social services about something that 'might be nothing'. While this may or may not have been an example of child 'abuse', the incident illustrated how difficult it is for childminders to talk to parents about matters where they might be seen to criticise the parent, and simultaneously, the difficulty of discussing nebulous matters with officials from the social services department, again without appearing to be critical of the parents.

5. Conclusions from the pilot study

Analysis of the pilot fieldwork demonstrated that my approach to date was broadly appropriate in both subject matter and in methodology. The method adopted suggested it was possible, (although not without some difficulties) to use lists of registered day care provision to obtain a sample of childminders, playgroups and day nurseries with a range of experiences of 'worrying about' and reporting cases of suspected child abuse. I investigated using the records of childminders held in the social services office to see if the sample I had obtained was broadly representative in terms of age, length of childminding experience and contact with the department, particularly over matters of abuse and neglect. I decided that although some useful background information was gained, the time involved in examining each record was too great, and the information was too inconsistently recorded to warrant using this method in the main sample.

With regard to the subject matter, the pilot subject suggested that it was likely that a random sample would produce many day care providers with no formal experience of reporting suspected child abuse. However, many of the sample would have informal 'worries' related to such matters as child abuse and neglect, and many, particularly playgroups and day nurseries, would have reported cases.

The pilot interviews confirmed my initial view that the method of collecting data from providers would have to allow for the 'telling of narrative accounts' by day care providers. The interviews also raised the dimension of diversity that characterises day care services. These two factors suggested that the data collection and analysis would have to be sensitive to wide variations in the views and experiences of day care providers.

APPENDIX TWO

SOME CHARACTERISTICS OF THE SAMPLE OF DAY CARE PROVIDERS

Table A2:1 shows gender, motherhood status, the years in the current post and the extent of experience of voluntary work with children of the sample of day care providers. The table shows that all the respondents were women. This reflects the general population of child care workers. The Labour Force Survey (LFS) shows that 98.1% of child care workers are women (Cameron and Moss, 1998). The table also shows that all bar one of the respondents were mothers. The exception was a playgroup leader (who owned a private playgroup).

Table A2:1 Gender, motherhood status, years in current post and extent of experience of voluntary work with children

	Childminders (N= 24)	Playgroup Leaders (N=16)	Day Nursery Managers (N=9)	Total
Gender	Female	Female	Female	n/a
Mother	24	15	9	48
Years in post (range)	1 - 10	1 - 10	3 - 9	n/a
Voluntary work with children	15, including 7 playgroup helpers and 4 school helpers	15, including 6 school helpers, and 4 playgroup helpers	6, including 1 playgroup helper and 2 school helpers	n/a
Total	24	16	9	49

This sample of respondents was experienced in child care work. Although the number of years each respondent had been in post ranged from 1 to 10 years, the average figure for childminders and playgroup leaders was 4 years in post, and 6 years for day nursery managers. In addition to their child care employment, many of the respondents had undertaken voluntary work with children. This was especially the case for childminders and playgroup leaders. Table A9:1 shows that there is a considerable interchange between childminding and playgroup work, and helping in schools, for example.

Table A2:2 shows the number of qualified providers and the range of qualifications held across the sample. It demonstrates that more than half the sample of childminders did not hold a child care qualification. This was also the case for two of the nine day nursery managers. None of the playgroup leaders was unqualified. The most commonly held qualifications for playgroup leaders were the internal Preschool Learning Alliance (PLA)

qualifications, the Foundation (held by seven respondents) and the Basic (held by five)¹. Where qualified, day nursery managers and childminders held a wide range of qualifications. One third of the day nursery managers held the Nursery Nurse Examination Board (NNEB), and another third held the PLA Foundation.

Table A2:2 Types of qualifications by types of providers

N = 49	Childminde rs N = 24	Playgroup Leaders N = 16	Day Nursery Managers N = 9	Overall
None relevant to child care	15	-	2	17
NNEB	2	1	3	6
Teaching (primary and nursery)	-	1	2	3
PLA/equivalent Foundation	2	7	3	12
PLA/equivalent Basic/Basic+	1	5	-	6
Nursing/Midwifery Health visiting	1	-	-	1
Miscellaneous child care relevant ²	3	1	-	4
NVQ Assessor	-	1	2	3
Total ¹	24	17	12	54

¹ Totals add up to more than N because some respondents had completed more than one course/qualification

² Miscellaneous includes City and Guilds course in child care; Home management and Social Care course; Certificate in Social and Community Care; Open University course on Preschool Child

Table A2:3 demonstrates the range of occupations held by the sample of providers in employment prior to their current post. It can be seen that caring work, in a range of capacities, figured strongly among this sample.

¹ PLA qualifications are described further in Chapter 6, 6.2.2.1.

Table A2: 3 Types of prior employment experience by types of provider

n = 49	Childminders	Playgroup Leaders	Day Nursery Managers
Caring work including teaching, classroom assistant, au pair, playgroup worker, nursing, nursery worker, family aide, foster carer, youth work, care assistant, nanny	8	11	7
Clerical work	12	5	2
Shop/catering work	11	4	1
Factory work	1	2	-
Managerial work	1	-	1
Total	32	22	11

Notes: totals add up to more than N because some respondents had more than one type of prior employment experience

From these tables it is apparent that three features of the sample stand out. Firstly, the predominance of experience of motherhood which precedes employment in child care. Secondly, the generally low level, and wide range, of qualifications in child care that the sample of providers brought to their work. Thirdly, the extensive experience of caring work, in both a voluntary and an employed capacity, among the sample. This combination of features suggests that women who are employed in child care are part of a 'network'. This network operates both in terms of a community, where the women's roles and employment changes as their own children grow up and in terms of their caring career. The term 'caring career' refers to women's mothering, voluntary and paid child care work, and educational opportunities, all of which in combination provide a degree of opportunity for interchange and skills improvement. This has been referred to as a 'lattice' of vertical and sideways movements². Thus home based full time mothering provides the 'experience' for childminding and the 'opportunity' for playgroup work. In addition, many of the respondents who held qualifications appeared to hold more than one, suggesting that some child care workers go back into education to improve their employment opportunities during their adult life.

The details given above suggest that this sample is a typical sample of day care providers when compared with the background characteristics given for childminders (Mayall and Petrie, 1983) and playgroup staff (Brophy et al, 1992). Further detail about the background of the respondents' motivation for entering childcare work amplifies the connections between motherhood and caring work.

² The term 'lattice' was originally used by the US organisation, National Association of Early Years Council (NAEYC).

Providers' motivation for childcare work in current post

The connections between child care work and mothering became apparent when I asked a question about the respondents' motivations for entering child care work. This was especially the case for childminders. Childminders overwhelmingly wanted, in the words of one provider, to '*stop at home with [my] kids and earn a bit*'. Twenty one out of 24 gave this as the main motivation for childminding. The remaining three entered childminding to extend their foster care service, to continue to care for children after being made redundant after a nursery closure and finally, to help a friend by minding her child while she returned to work. For the childminders, then, the occupation of childminder could be described as 'mothering plus wages'.

For the playgroup leaders, the motivation to take on the position of leader or supervisor was a combination of opportunity and pressure. The opportunity came from mothers being home based with their own children who attended the playgroup and thus able to take up part time work where the children could attend. The pressure tended to come from the playgroup organisation. Comments from respondents indicated that recruitment for playgroup posts was conducted with a sense of desperation about finding suitable leaders, and thus ensuring the survival of the group. One respondent said she started '*just through my own children, when helping, the supervisor went into childminding, [and] if I didn't do the course and take over, it would close*'. Circumstances which could be described as originating in 'pressure' figured strongly for 9 out of 16 playgroup leaders interviewed; for a further 3, the pressure to take on the playgroup was not stated, but the opportunity was present as they were home based.

The four remaining playgroup leaders were motivated to take on the position of leader by the prospect of 'doing my own thing', which tended to mean starting a private playgroup 'business' of child care. This was also the case for four of the day nursery managers, who stressed the lack of child care available when they needed it (i.e., when they wanted to return to work after maternity leave or a career break). The other five day nursery managers claimed that the work was a 'natural vocation' and they also had gained the management experience necessary through other employment.

PART II

(b) it has obtained the consent of every person to be named in the order other than the child.

(4) A family assistance order may direct—

(a) the person named in the order; or

(b) such of the persons named in the order as may be specified in the order,

to take such steps as may be so specified with a view to enabling the officer concerned to be kept informed of the address of any person named in the order and to be allowed to visit any such person.

(5) Unless it specifies a shorter period, a family assistance order shall have effect for a period of six months beginning with the day on which it is made.

(6) Where—

(a) a family assistance order is in force with respect to a child; and

(b) a section 8 order is also in force with respect to the child,

the officer concerned may refer to the court the question whether the section 8 order should be varied or discharged.

(7) A family assistance order shall not be made so as to require a local authority to make an officer of theirs available unless—

(a) the authority agree; or

(b) the child concerned lives or will live within their area.

(8) Where a family assistance order requires a probation officer to be made available, the officer shall be selected in accordance with arrangements made by the probation committee for the area in which the child lives or will live.

(9) If the selected probation officer is unable to carry out his duties, or dies, another probation officer shall be selected in the same manner.

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Provision of services for children and their families

Provision of
services for
children in need,
their families and
others.

17.—(1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—

(a) to safeguard and promote the welfare of children within their area who are in need; and

(b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children's needs.

(2) For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.

(3) Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.

The Secretary of State may by order amend any provision of Part I Schedule 2 or add any further duty or power to those for the time being conferred there.

PART III

Every local authority—

- (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority have power to provide by virtue of this section, or section 18, 20, 23 or 24; and
- (b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.

The services provided by a local authority in the exercise of functions conferred on them by this section may include giving assistance in kind or, in exceptional circumstances, in cash.

(7) Assistance may be unconditional or subject to conditions as to the payment of the assistance or of its value (in whole or in part).

(8) Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.

(9) No person shall be liable to make any repayment of assistance or its value at any time when he is in receipt of income support or family credit under the Social Security Act 1986.

1986 c. 50.

(10) For the purposes of this Part a child shall be taken to be in need

- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
- (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) he is disabled,

and "family", in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

(11) For the purposes of this Part, a child is disabled if he is blind, deaf or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—

"development" means physical, intellectual, emotional, social or behavioural development; and

"health" means physical or mental health.

8.—(1) Every local authority shall provide such day care for children in need within their area who are—

Day care for pre-school children.

- (a) aged five or under; and
- (b) not yet attending schools, or other appropriate.

PART III

(2) A local authority may provide day care for children within their area who satisfy the conditions mentioned in subsection (1)(a) and (b) even though they are not in need.

(3) A local authority may provide facilities (including training, advice, guidance and counselling) for those—

- (a) caring for children in day care; or
- (b) who at any time accompany such children while they are in day care.

(4) In this section “day care” means any form of care or supervised activity provided for children during the day (whether or not it is provided on a regular basis).

(5) Every local authority shall provide for children in need within their area who are attending any school such care or supervised activities as is appropriate—

- (a) outside school hours; or
- (b) during school holidays.

(6) A local authority may provide such care or supervised activities for children within their area who are attending any school even though those children are not in need.

(7) In this section “supervised activity” means an activity supervised by a responsible person.

Review of
provision for
day care, child
minding etc.

19.—(1) Every local authority in England and Wales shall review—

- (a) the provision which they make under section 18;
- (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight; and
- (c) the provision for day care within their area made for children under the age of eight by persons other, than the authority, required to register under section 71(1)(b).

(2) A review under subsection (1) shall be conducted—

- (a) together with the appropriate local education authority; and
- (b) at least once in every review period.

(3) Every local authority in Scotland shall, at least once in every review period, review—

- (a) the provision for day care within their area made for children under the age of eight by the local authority and by persons required to register under section 71(1)(b); and
- (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight.

(4) In conducting any such review, the two authorities or, in Scotland, the authority shall have regard to the provision made with respect to children under the age of eight in relevant establishments within their area.

5) In this section—

PART III

“relevant establishment” means any establishment which is mentioned in paragraphs 3 and 4 of Schedule 9 (hospitals, schools and other establishments exempt from the registration requirements which apply in relation to the provision of day care); and

“review period” means the period of one year beginning with the commencement of this section and each subsequent period of three years beginning with an anniversary of that commencement.

(6) Where a local authority have conducted a review under this section they shall publish the result of the review—

- (a) as soon as is reasonably practicable;
- (b) in such form as they consider appropriate; and
- (c) together with any proposals they may have with respect to the matters reviewed.

(7) The authorities conducting any review under this section shall have regard to—

- (a) any representations made to any one of them by any relevant health authority or health board; and
- (b) any other representations which they consider to be relevant.

(8) In the application of this section to Scotland, “day care” has the same meaning as in section 79 and “health board” has the same meaning as in the National Health Service (Scotland) Act 1978.

1978 c. 29.

Provision of accommodation for children

20.—(1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—

Provision of accommodation for children: general.

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or having been abandoned; or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

(2) Where a local authority provide accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within—

- (a) three months of being notified in writing that the child is being provided with accommodation; or
- (b) such other longer period as may be prescribed.

(3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.

(7) If any person who is required, under any provision of this Part, to give a notice fails to give the notice within the time specified in that provision, proceedings for the offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the local authority.

PART IX

(8) Subsection (7) is not affected by anything in section 127(1) of the Magistrates' Courts Act 1980 (time limit for proceedings).

1980 c. 43.

PART X

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

71.—(1) Every local authority shall keep a register of—

Registration.

- (a) persons who act as child minders on domestic premises within the authority's area; and
- (b) persons who provide day care for children under the age of eight on premises (other than domestic premises) within that area.

(2) For the purposes of this Part—

- (a) a person acts as a child minder if—
 - (i) he looks after one or more children under the age of eight, for reward; and
 - (ii) the period, or the total of the periods, which he spends so looking after children in any day exceeds two hours; and
- (b) a person does not provide day care for children unless the period, or the total of the periods, during which children are looked after exceeds two hours in any day.

(3) Where a person provides day care for children under the age of eight on different premises situated within the area of the same local authority, that person shall be separately registered with respect to each of those premises.

(4) A person who—

- (a) is the parent, or a relative, of a child;
- (b) has parental responsibility for a child; or
- (c) is a foster parent of a child,

does not act as a child minder for the purposes of this Part when looking after that child.

(5) Where a person is employed as a nanny for a child, she does not act as a child minder when looking after that child wholly or mainly in the home of the person so employing her.

(6) Where a person is so employed by two different employers, she does not act as a child minder when looking after any of the children concerned wholly or mainly in the home of either of her employers.

(7) A local authority may refuse to register an applicant for registration under subsection (1)(a) if they are satisfied that—

- (a) the applicant; or

PART X

- (b) any person looking after, or likely to be looking after, any children on any premises on which the applicant is, or is likely to be, child minding,

is not fit to look after children under the age of eight.

(8) A local authority may refuse to register an applicant for registration under subsection (1)(a) if they are satisfied that—

- (a) any person living, or likely to be living, at any premises on which the applicant is, or is likely to be, child minding; or
- (b) any person employed, or likely to be employed, on those premises,

is not fit to be in the proximity of children under the age of eight.

(9) A local authority may refuse to register an applicant for registration under subsection (1)(b) if they are satisfied that any person looking after, or likely to be looking after, any children on the premises to which the application relates is not fit to look after children under the age of eight.

(10) A local authority may refuse to register an applicant for registration under subsection (1)(b) if they are satisfied that—

- (a) any person living, or likely to be living, at the premises to which the application relates; or
- (b) any person employed, or likely to be employed, on those premises,

is not fit to be in the proximity of children under the age of eight.

(11) A local authority may refuse to register an applicant for registration under this section if they are satisfied—

- (a) in the case of an application under subsection (1)(a), that any premises on which the applicant is, or is likely to be, child minding; or
- (b) in the case of an application under subsection (1)(b), that the premises to which the application relates,

are not fit to be used for looking after children under the age of eight, whether because of their condition or the condition of any equipment used on the premises or for any reason connected with their situation, construction or size.

(12) In this section—

“domestic premises” means any premises which are wholly or mainly used as a private dwelling;

“premises” includes any vehicle.

(13) For the purposes of this Part a person acts as a nanny for a child if she is employed to look after the child by—

- (a) a parent of the child;
- (b) a person who is not a parent of the child but who has parental responsibility for him; or
- (c) a person who is a relative of the child and who has assumed responsibility for his care.

(14) For the purposes of this section, a person fosters a child if—

- (a) he is a local authority foster parent in relation to the child;

- (b) he is a foster parent with whom the child has been placed by a voluntary organisation; or
- (c) he fosters the child privately.

(15) Any register kept under this section—

- (a) shall be open to inspection by members of the public at all reasonable times; and
- (b) may be kept by means of a computer.

(16) Schedule 9 shall have effect for the purpose of making further provision with respect to registration under this section including, in particular, further provision for exemption from the requirement to be registered and provision for disqualification.

72.—(1) Where a local authority register a person under section 71(1)(a), they shall impose such reasonable requirements on him as they consider appropriate in his case.

Requirements to be complied with by child minders.

(2) In imposing requirements on him, the authority shall—

- (a) specify the maximum number of children, or the maximum number of children within specified age groups, whom he may look after when acting as a child minder;
- (b) require him to secure that any premises on which he so looks after any child, and the equipment used in those premises, are adequately maintained and kept safe;
- (c) require him to keep a record of the name and address of—
 - (i) any child so looked after by him on any premises within the authority's area;
 - (ii) any person who assists in looking after any such child; and
 - (iii) any person living, or likely at any time to be living, at those premises;
- (d) require him to notify the authority in writing of any change in the persons mentioned in paragraph (c)(ii) and (iii).

(3) The Secretary of State may by regulations make provision as to—

- (a) requirements which must be imposed by local authorities under this section in prescribed circumstances;
- (b) requirements of such descriptions as may be prescribed which must not be imposed by local authorities under this section.

(4) In determining the maximum number of children to be specified under subsection (2)(a), the authority shall take account of the number of other children who may at any time be on any premises on which the person concerned acts, or is likely to act, as a child minder.

(5) Where, in addition to the requirements mentioned in subsection (2), a local authority impose other requirements, those other requirements must not be incompatible with any of the subsection (2) requirements.

(6) A local authority may at any time vary any requirement imposed under this section, impose any additional requirement or remove any requirement.

PART X
Requirements to
be complied with
by persons
providing day care
for young
children.

73.—(1) Where a local authority register a person under section 71(1)(b) they shall impose such reasonable requirements on him as they consider appropriate in his case.

(2) Where a person is registered under section 71(1)(b) with respect to different premises within the area of the same authority, this section applies separately in relation to each registration.

(3) In imposing requirements on him, the authority shall—

- (a) specify the maximum number of children, or the maximum number of children within specified age groups, who may be looked after on the premises;
- (b) require him to secure that the premises, and the equipment used in them, are adequately maintained and kept safe;
- (c) require him to notify the authority of any change in the facilities which he provides or in the period during which he provides them;
- (d) specify the number of persons required to assist in looking after children on the premises;
- (e) require him to keep a record of the name and address of—
 - (i) any child looked after on the registered premises;
 - (ii) any person who assists in looking after any such child; and
 - (iii) any person who lives, or is likely at any time to be living, at those premises;
- (f) require him to notify the authority of any change in the persons mentioned in paragraph (e)(ii) and (iii).

(4) The Secretary of State may by regulations make provision as to—

- (a) requirements which must be imposed by local authorities under this section in prescribed circumstances;
- (b) requirements of such descriptions as may be prescribed which must not be imposed by local authorities under this section.

(5) In subsection (3), references to children looked after are to children looked after in accordance with the provision of day care made by the registered person.

(6) In determining the maximum number of children to be specified under subsection (3)(a), the authority shall take account of the number of other children who may at any time be on the premises.

(7) Where, in addition to the requirements mentioned in subsection (3), a local authority impose other requirements, those other requirements must not be incompatible with any of the subsection (3) requirements.

(8) A local authority may at any time vary any requirement imposed under this section, impose any additional requirement or remove any requirement.

PART X
Cancellation of
registration.

74.—(1) A local authority may at any time cancel the registration of any person under section 71(1)(a) if—

- (a) it appears to them that the circumstances of the case are such that they would be justified in refusing to register that person as a child minder;
- (b) the care provided by that person when looking after any child as a child minder is, in the opinion of the authority, seriously inadequate having regard to the needs of that child; or
- (c) that person has—
 - (i) contravened, or failed to comply with, any requirement imposed on him under section 72; or
 - (ii) failed to pay any annual fee under paragraph 7 of Schedule 9 within the prescribed time.

(2) A local authority may at any time cancel the registration of any person under section 71(1)(b) with respect to particular premises if—

- (a) it appears to them that the circumstances of the case are such that they would be justified in refusing to register that person with respect to those premises;
- (b) the day care provided by that person on those premises is, in the opinion of the authority, seriously inadequate having regard to the needs of the children concerned; or
- (c) that person has—
 - (i) contravened, or failed to comply with, any requirement imposed on him under section 73; or
 - (ii) failed to pay any annual fee under paragraph 7 of Schedule 9 within the prescribed time.

(3) A local authority may at any time cancel all registrations of any person under section 71(1)(b) if it appears to them that the circumstances of the case are such that they would be justified in refusing to register that person with respect to any premises.

(4) Where a requirement to carry out repairs or make alterations or additions has been imposed on a registered person under section 72 or 73, his registration shall not be cancelled on the ground that the premises are not fit to be used for looking after children if—

- (a) the time set for complying with the requirements has not expired, and
- (b) it is shown that the condition of the premises is due to the repairs not having been carried out or the alterations or additions not having been made.

(5) Any cancellation under this section must be in writing.

(6) In considering the needs of any child for the purposes of subsection (1)(b) or (2)(b), a local authority shall, in particular, have regard to the child's religious persuasion, racial origin and cultural and linguistic background.

75.—(1) If—

- (a) a local authority apply to the court for an order—
 - (i) cancelling a registered person's registration;

Protection of
children in an
emergency.

PART X

(ii) varying any requirement imposed on a registered person under section 72 or 73; or

(iii) removing a requirement or imposing an additional requirement on such a person; and

(b) it appears to the court that a child who is being, or may be, looked after by that person, or (as the case may be) in accordance with the provision for day care made by that person, is suffering, or is likely to suffer, significant harm,

the court may make the order.

(2) Any such cancellation, variation, removal or imposition shall have effect from the date on which the order is made.

(3) An application under subsection (1) may be made *ex parte* and shall be supported by a written statement of the authority's reasons for making it.

(4) Where an order is made under this section, the authority shall serve on the registered person, as soon as is reasonably practicable after the making of the order—

(a) notice of the order and of its terms; and

(b) a copy of the statement of the authority's reasons which supported their application for the order.

(5) Where the court imposes or varies any requirement under subsection (1), the requirement, or the requirement as varied, shall be treated for all purposes, other than those of section 77, as if it had been imposed under section 72 or (as the case may be) 73 by the authority concerned.

Inspection.

76.—(1) Any person authorised to do so by a local authority may at any reasonable time enter—

(a) any domestic premises within the authority's area on which child minding is at any time carried on; or

(b) any premises within their area on which day care for children under the age of eight is at any time provided.

(2) Where a local authority have reasonable cause to believe that a child is being looked after on any premises within their area in contravention of this Part, any person authorised to do so by the authority may enter those premises at any reasonable time.

(3) Any person entering premises under this section may inspect—

(a) the premises;

(b) any children being looked after on the premises;

(c) the arrangements made for their welfare; and

(d) any records relating to them which are kept as a result of this Part.

(4) Every local authority shall exercise their power to inspect the premises mentioned in subsection (1) at least once every year.

(5) Any person inspecting any records under this section—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is, or has been, in use in connection with the records in question; and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used; or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such reasonable assistance as he may require.

(6) A person exercising any power conferred by this section shall, if so required, produce some duly authenticated document showing his authority to do so.

(7) Any person who intentionally obstructs another in the exercise of any such power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

77.—(1) Not less than 14 days before—

(a) refusing an application for registration under section 71;

(b) cancelling any such registration;

(c) refusing consent under paragraph 2 of Schedule 9;

(d) imposing, removing or varying any requirement under section 72 or 73; or

(e) refusing to grant any application for the variation or removal of any such requirement,

the authority concerned shall send to the applicant, or (as the case may be) registered person, notice in writing of their intention to take the step in question ("the step").

(2) Every such notice shall—

(a) give the authority's reasons for proposing to take the step; and

(b) inform the person concerned of his rights under this section.

(3) Where the recipient of such a notice informs the authority in writing of his desire to object to the step being taken, the authority shall afford him an opportunity to do so.

(4) Any objection made under subsection (3) may be made in person or by a representative.

(5) If the authority, after giving the person concerned an opportunity to object to the step being taken, decide nevertheless to take it they shall send him written notice of their decision.

(6) A person aggrieved by the taking of any step mentioned in subsection (1) may appeal against it to the court.

(7) Where the court imposes or varies any requirement under subsection (8) or (9) the requirement, or the requirement as varied, shall be treated for all purposes (other than this section) as if it had been imposed by the authority concerned.

(8) Where the court allows an appeal against the refusal or cancellation of any registration under section 71 it may impose requirements under section 72 or (as the case may be) 73.

(9) Where the court allows an appeal against such a requirement it may, instead of cancelling the requirement, vary it.

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Appeals.

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(10) In Scotland, an appeal under subsection (6) shall be by summary application to the sheriff and shall be brought within 21 days from the date of the step to which the appeal relates.

(11) A step of a kind mentioned in subsection (1)(b) or (d) shall not take effect until the expiry of the time within which an appeal may be brought under this section or, where such an appeal is brought, before its determination.

Offences.

78.—(1) No person shall provide day care for children under the age of eight on any premises within the area of a local authority unless he is registered by the authority under section 71(1)(b) with respect to those premises.

(2) If any person contravenes subsection (1) without reasonable excuse, he shall be guilty of an offence.

(3) No person shall act as a child minder on domestic premises within the area of a local authority unless he is registered by the authority under section 71(1)(a).

(4) Where it appears to a local authority that a person has contravened subsection (3), they may serve a notice ("an enforcement notice") on him.

(5) An enforcement notice shall have effect for a period of one year beginning with the date on which it is served.

(6) If a person with respect to whom an enforcement notice is in force contravenes subsection (3) without reasonable excuse he shall be guilty of an offence.

(7) Subsection (6) applies whether or not the subsequent contravention occurs within the area of the authority who served the enforcement notice.

(8) Any person who without reasonable excuse contravenes, or otherwise fails to comply with, any requirement imposed on him under section 72 or 73 shall be guilty of an offence.

(9) If any person—

(a) acts as a child minder on domestic premises at any time when he is disqualified by regulations made under paragraph 2 of Schedule 9; or

(b) contravenes any of sub-paragraphs (3) to (5) of paragraph 2, he shall be guilty of an offence.

(10) Where a person contravenes sub-paragraph (3) of paragraph 2 he shall not be guilty of an offence under this section if he proves that he did not know, and had no reasonable grounds for believing, that the person in question was living or employed in the household.

(11) Where a person contravenes sub-paragraph (5) of paragraph 2 he shall not be guilty of an offence under this section if he proves that he did not know, and had no reasonable grounds for believing, that the person whom he was employing was disqualified.

(12) A person guilty of an offence under this section shall be liable on summary conviction—

(a) in the case of an offence under subsection (8), to a fine not exceeding level 4 on the standard scale;

- (b) in the case of an offence under subsection (9), to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both; and
- (c) in the case of any other offence, to a fine not exceeding level 5 on the standard scale.

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79. In the application to Scotland of this Part—

Application of
this Part to
Scotland.

- (a) “the court” means the sheriff;
- (b) “day care” means any form of care or of activity supervised by a responsible person provided for children during the day (whether or not it is provided on a regular basis);
- (c) “education authority” has the same meaning as in the Education (Scotland) Act 1980;
- (d) “local authority foster parent” means a foster parent with whom a child is placed by a local authority;
- (e) for references to a person having parental responsibility for a child there shall be substituted references to a person in whom parental rights and duties relating to the child are vested; and
- (f) for references to fostering a child privately there shall be substituted references to maintaining a foster child within the meaning of the Foster Children (Scotland) Act 1984.

1980 c. 44.

1984 c. 56.

PART XI

SECRETARY OF STATE’S SUPERVISORY FUNCTIONS
AND RESPONSIBILITIES

80.—(1) The Secretary of State may cause to be inspected from time to time any—

Inspection of
children’s
homes etc. by
persons
authorised by
Secretary of
State.

- (a) children’s home;
- (b) premises in which a child who is being looked after by a local authority is living;
- (c) premises in which a child who is being accommodated by or on behalf of a local education authority or voluntary organisation is living;
- (d) premises in which a child who is being accommodated by or on behalf of a health authority is living;
- (e) premises in which a child is living with a person with whom he has been placed by an adoption agency;
- (f) premises in which a child who is a protected child is, or will be, living;
- (g) premises in which a privately fostered child, or child who is treated as a foster child by virtue of paragraph 9 of Schedule 8, is living or in which it is proposed that he will live;
- (h) premises on which any person is acting as a child minder;
- (i) premises with respect to which a person is registered under section 71(1)(b);
- (j) residential care home, nursing home or mental nursing home required to be registered under the Registered Homes Act 1984 and used to accommodate children;

1984 c. 23.

APPENDIX FOUR

DETAILS OF THE METHOD AND DESIGN OF THE CHILDREN ACT PROJECT

The Children Act Project

Aims, methods and design

The aim of the Children Act project was both to monitor and to evaluate the implementation of Part III and Part X of the Children Act in a sample of local authorities in England. The legislation was supplemented by government Guidance (DoH, 1991b) which set out the government's interpretation of the legislation for early years services. A further aim of the Children Act Project was to collect data on the progress of implementation of several cross cutting themes emphasised in the legislation and in the guidance. While Parts III and X concerned duties and powers for the provision, coordination and regulation of day care services, the themes examined across these legislative duties included minority ethnic children, children with disabilities, training, advice and support for people working in day care settings, and the provision of information about services to parents.

In order to achieve these descriptive and evaluative aims, the Children Act Project was designed in two stages. The first was primarily a 'mapping' phase which aimed to describe the existing situation in terms of policies and practice for early years services in a sample of 18 local authorities. The chief methods here were interviews with a range of 'key' local authority participants involved in implementing the relevant parts of the Act, and the collation of relevant policy documents. This stage was necessary in order to set out the various methods of implementation of the Children Act for early years services in the local authorities.

The second stage was evaluative and involved a number of different studies that examined the experience of a wider range of local authority officers and representatives of various voluntary sector organisations relevant to the provision of day care services. The aim of the second stage was to consider the impact of the Act on day care services. The fieldwork for this study was carried out within the first part of the second stage of the Children Act Project.

The sample

The 18 sample authorities in the Children Act Project represented a stratified random sample of one in six local authorities in England. To obtain this sample local authorities were stratified into five groups - inner and outer London boroughs, metropolitan districts, and northern and southern counties. A similar proportion of authorities were chosen from each group, ensuring coverage of a cross section of localities representing inner cities, small towns and sparsely populated rural districts. This enabled the project's results to be generalized to the country as a whole with a high degree of confidence. In all there were seven county councils, six metropolitan boroughs and five London boroughs.

The respondents in the first stage of the Children Act Project

In each authority a 'key' officer was identified by the research team and their help was enlisted in identifying the respondents for that area. This method helped the research team to achieve a roughly similar respondent list in each local authority. It had become apparent very early on in the project that each local authority had different resources, organisational structures and,

crucially, different approaches in their policies towards day care and early years, and thus to the implementation of the Children Act. As a consequence of differing policies, each local authority offered different numbers of officers for interview for the project, and frequently there were other differences such as the departmental location of the officers, or the scope of their responsibility for day care/early years facilities. In all, 46 officers from social services departments with responsibility for policy in early years/ day care were interviewed, along with 25 officers with responsibility for the regulation of day care services, and 28 officers from education departments. In addition, two officers from chief executives' departments were interviewed, nine from leisure departments and six elected members of the council (see Appendix 2 for an illustration of the respondent list).

The interviews

The interviews were all tape recorded and notes were taken. They were structured by an 'interview guide', and were usually with an individual but could be with two or more officers, where the respondents thought it was useful or more efficient to do so. The interview focused on the arrangements in place for the delivery of the three functions of the Act for day care/early years; the coordination of services, the provision of services and the regulation of services, as well as the cross cutting themes referred to above.

Limitations of the first stage and the context of analysis

Although the first stage of the project collected a good deal of data about what was happening in a spread of locations across England, there were some drawbacks. If the project was to document the impact of the Act, it required a point of comparison, i.e., the position *before* the Act was implemented, but the first stage took place about a year after implementation had begun¹. The first problem, then, was that the first stage did not provide adequate 'baseline' data, although it did gather useful contributory information. A second limiting factor was that, as mentioned above, there are wide differences in the organisation of the provision of day care services and this affected the priority given to various provisions of the Act; for example, the provisions of the Act with regard to ethnic minority children had more impact in local authorities where issues of ethnicity had never been discussed than those where they had been discussed widely. This meant it was difficult to compare the progress of local authorities.

A third difficulty was that the Children Act was implemented at a time of considerable change in local authorities; other pieces of legislation such as the NHS and Community Care Act 1990, and the Criminal Justice Act 1991 were also occupying the minds and resources of policy officers. The prospect of local government re-organisation was beginning to be felt in local authorities during the first stage of the project, and this was also diverting attention away from the Children Act. This maelstrom of change meant that the sections of the Children Act for day care and early years represented different things to different officers in different local authorities. The principle factor which affected whether the day care sections of the Children Act was considered a central or peripheral feature of local authority policy making was the 'policy environment', that is, the inheritance of relevant policy and provision from the pre-Children Act era, together with the existence of dedicated policy officer time and resources to progress

¹In any case, the question of identifying the point at which policy implementation 'begins' is much debated in the literature, see Barrett and Fudge, 1981.

implementation (Bull et al., 1994a).

The second stage of the Children Act Project

The second stage of the project included four elements. Its principle aim was to extend the range of respondents and so provide a depth and breadth to the research team's understanding of the implementation of the Act, in order to achieve an evaluation of the impact of the Act. It did this in a number of ways. First there was a series of **case studies** designed to focus in some depth on the three main functions or themes of the Act for local authorities with respect to day care services (reported in full in Bull et al., 1994b). Each case study contrasted the experiences of two authorities which were chosen on the basis of characteristics identified in the first stage of the project². Six of the original sample of 18 local authorities were 'case study' local authorities. While the exact list of respondents differed according to the theme of the case study and the local authority visited, they generally included local authority officers and voluntary sector representatives and a small sample of registered day care providers. I conducted the case study on the theme of 'provision'. The methods used for the case study of 'provision' were semi-structured interviews (according to a prepared schedule) and unstructured interviews (according to a prepared topic guide) with day care providers, local authority officers and representatives of voluntary sector day care organisations³. The former interviews were recorded on the schedule, the latter interviews were tape recorded and transcribed. These interviews provided an opportunity for parallel interviews about issues of child abuse and neglect with day care providers, and with officers and voluntary sector representatives seen at this stage. The latter were asked about policies, procedures and practices relevant to child protection in day care settings (see below for more details, and Appendix 3 for a copy of the interview schedule used with day care providers).

Second, in order to provide some detail about the providers themselves, the service they provided, and their perceptions about the process of regulation, a **structured survey** of day care providers (day nursery managers, playgroup leaders and childminders) was developed by the research team and carried out by a market research organisation (reported in full in Moss *et al*, 1995). In addition the survey collected data on the providers' views about providing for children 'in need', about support and training services and about equal opportunities under the Children Act. The survey took place in 17 of the 18 sample local authorities (one failed to make their lists of registered provision available in time and so was dropped from the sample), and while the aim

²The characteristics varied according to the requirements of each theme; for the case study of 'provision', the characteristics were contrasting methods of implementation of the relevant sections of the Act; contrasting levels of provision of day care services; contrasting socio-economic features taken from the 1991 Census such as car and house ownership.

³The organisations were the Preschool Learning Alliance (PLA), which until recently was the Preschool Playgroups Association (PPA), and has a membership based on playgroups but also includes many toddler groups (which are not required to register with the local authority) and some nurseries; the Childminding Association (CMA); and, where available the Private Day Nurseries Association (PDNA). In addition, the views of organisations representing the interests of services for minority ethnic children were sought, as were organisations representing children with disabilities, and any other local organisations which had played a significant role in the implementation of the Children Act in conjunction with the local authority.

was to have 25 day nurseries, playgroup leaders and childminders in each local authority, so making a total of 425, the eventual total was 419 providers due to some sampling difficulties⁴. This survey proved a good background point of comparison for the study and will be referred to extensively when considering the backgrounds of day care providers in Chapter 6.

The third element of the second stage was secondary analysis of local **surveys of parents' views** about services under the new Act. All English local authorities were contacted asking for any such surveys. This was done to collate the known information about parents' preferences and views. At the time a large study of parents' use and preferences for day care and early years service conducted by OPCS was awaiting publication and the Children Act and Guidance emphasised that local authorities should consult parents and respond to their views when providing or promoting services for young children. The collated parents' surveys indicated that few local authorities had completed such an exercise, and those that had, had employed a poor methodology⁵. In addition the more detailed OPCS survey is now available, if already (somewhat) out-of-date, the data being collected in Autumn 1990 (Meltzer, 1994).

The fourth element of stage two was a **return visit** to each of the original sample local authorities. While the three elements of stage two outlined above enabled the research team to understand process (the case studies) and broaden the range of respondents (providers' and parents' surveys), the aim of the return visits was to enable the most direct evaluation of progress in local authorities since the first visit (two to three years previously)⁶ as well as extending the breadth of data collection beyond that previously collated.

In order to gather updating information, this stage used semi structured interview schedules with previous 'key' policy officer respondents, and with regulation officers, their senior officers, and with an officer responsible for the support and training of day care providers. In addition, interviews were sought with representatives of the local Preschool Learning Alliance (PLA), Childminding Association (CMA), Private Nurseries Association (PNA), and any other notable local child care organisations working under the auspices of the Children Act to provide services. As with the case studies, the research team sought organisations which could represent the views of those providing services for minority ethnic children; and those for children with disabilities. Lastly, an interview was sought with the chairperson of any local coordinating forum for under fives. In total there were 78 officer interviews, and 73 interviews in the voluntary sector. Wide variations appeared in the existence of voluntary organisations across local authorities, and detailed investigation at a local level was required to locate them. See Appendix 2 for an illustration of the respondents in Stage Two of the Children Act project. These four elements of

⁴For example, in some authorities there were insufficient day nurseries.

⁵For example, some surveys relied on parents returning completed questionnaires without knowing how many they had distributed, so making it impossible to judge a response rate or the degree to which the responses were representative of the views of parents in the locality (Owen, in press).

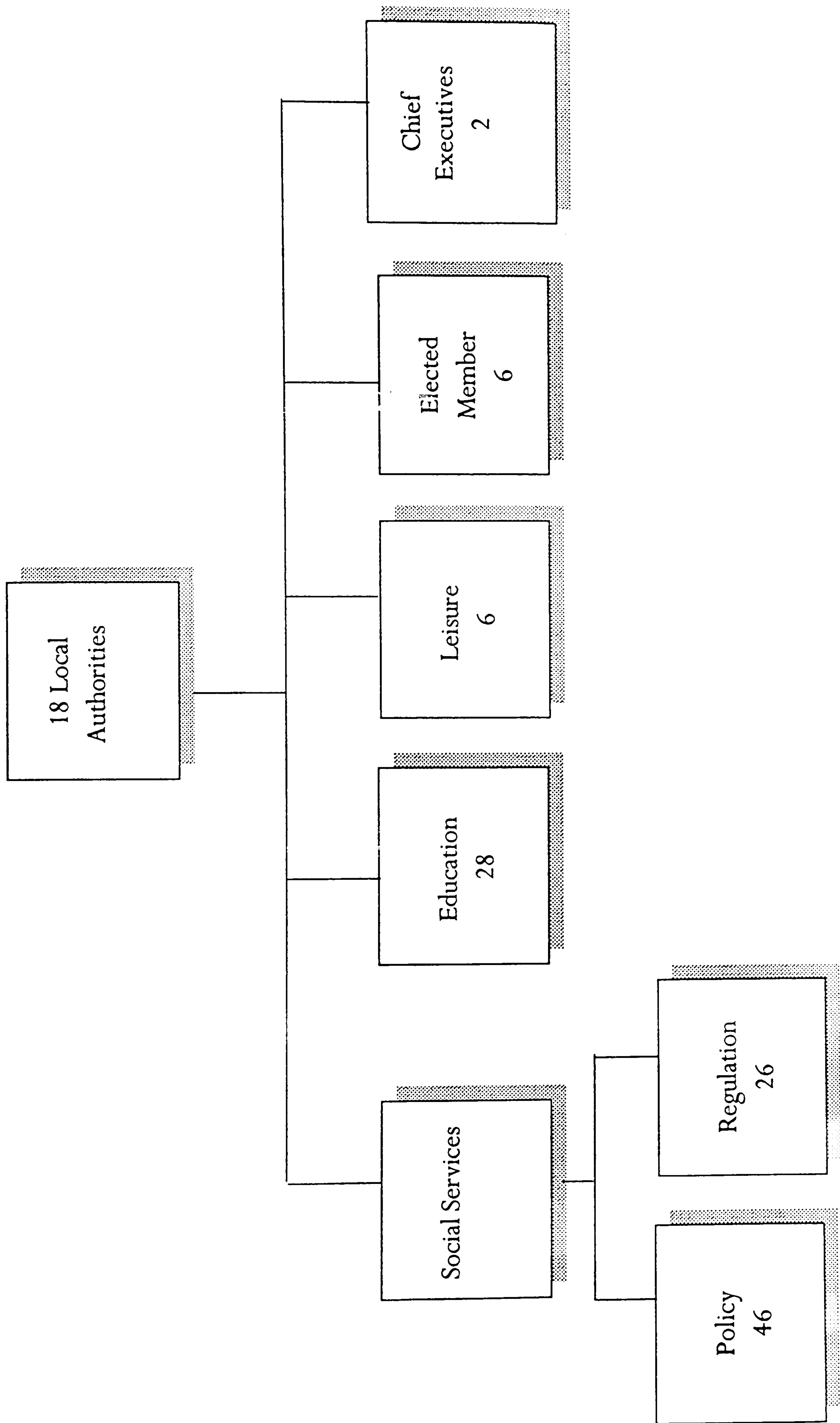
⁶Comparison was of course hampered by the constraints identified earlier: the lack of pre-Act baseline data, the range of 'policy environments' into which the Children Act was introduced, the difficulty of isolating the effect of the Children Act from other legislation being implemented simultaneously.

Stage Two of the Children Act project were analysed both independently (as separate studies) and brought together in a final evaluation of the impact of the Act for early years. This is reported fully in Candappa (1997).

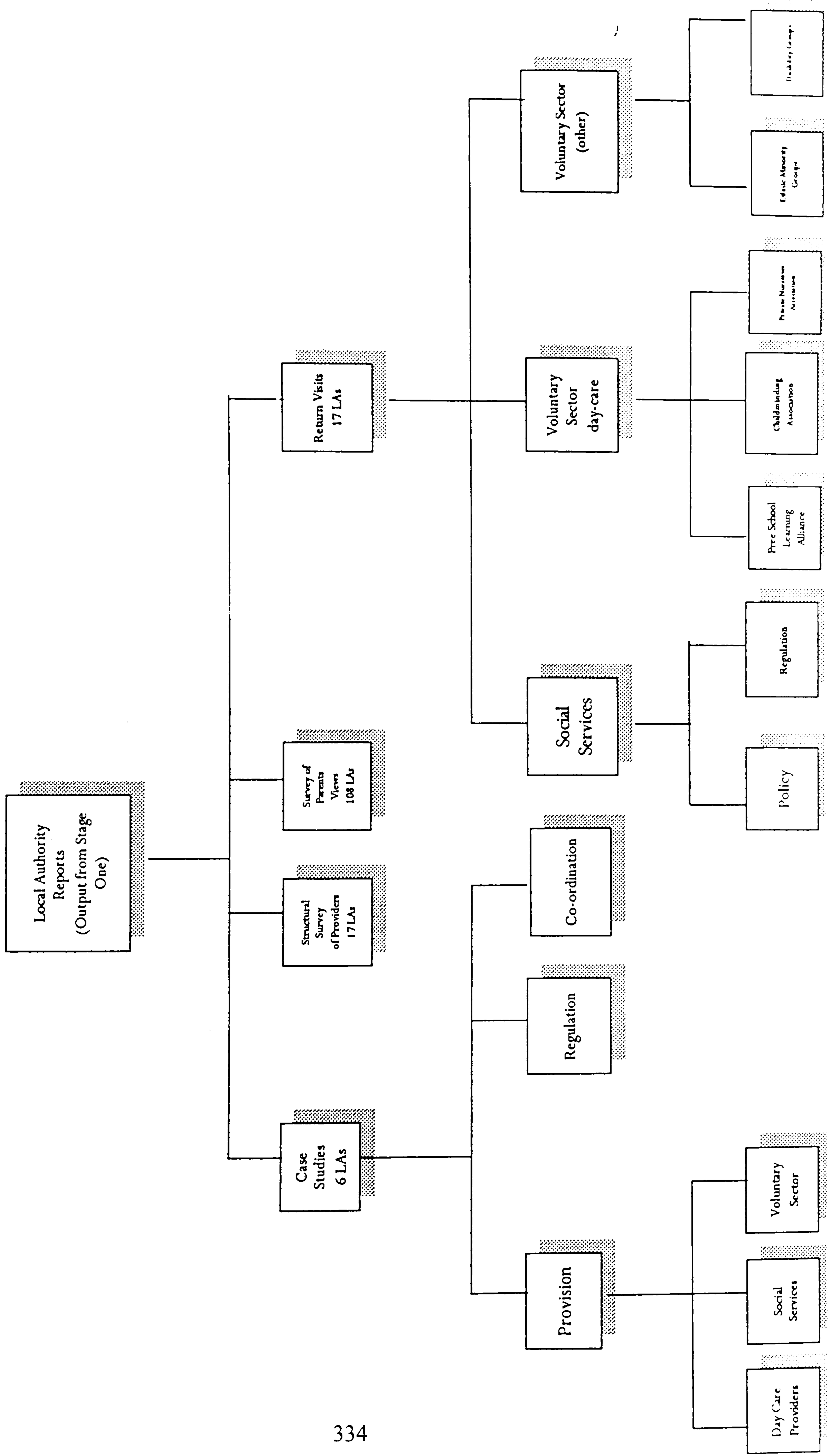
My Contribution to the Children Act Project

The Children Act Project was a team project. However, members of the team each undertook individual responsibility for particular areas of work. Throughout the project, in the design, analysis and writing stages, my specific area of responsibility was the *provision* of services for both children in need and children not in need. (The data collection itself was split between members of the research team.) This provided me with a good general background in the relationship between social services departments, their statutory duties and powers, and the priorities accorded by them to the provision of day care services (see, for example, Cameron and Moss, 1995). In the design stages, I took a major role in designing the case study element of the project (which was not part of the original design); and, in particular, the design of the questionnaire for the structured survey of providers. My contribution to the Children Act project was one which in both subject area and methods employed enabled me to gain skills and knowledge which could be applied to the parallel investigation of child protection in day care.

Respondents in Stage One



Respondents in Stage Two



APPENDIX FIVE (5(a), 5(b), 5(c), 5(d))

LETTERS AND FORMS USED IN THE STUDY

(a) Letter sent to senior policy officer

15 February 1994

Dear

re: A Study of the Implementation of the Children Act for Under Eights - Stage Two

You will remember that last year you kindly assisted us with the above research project. We completed the first stage in Spring 1993, and we have recently held two feedback conferences.

We are now embarking on the second stage of the project, and I am writing to enlist your help again. For this stage we will complete several case studies in different local authority areas.

Your area has been selected for one of the case studies, and to complete this I will need to visit the local authority and speak to a wide range of people. As the county is large and diverse, it would be helpful to focus on two districts, one urban and one rural. In addition to interviews I would need to have access to any committee papers or other documents on under eights' services.

The interviews would take place over two or three weeks and if possible, I would like to visit in March 1994. It would be most helpful if I could discuss the details with you on the telephone, and I could take advice on which districts would be most suitable.

There are three main groups of people I would like to see. Firstly, I would like to interview a number of childcare providers. Is there a child care information service who could provide a list of childminders, playgroups and day nurseries? Secondly, I would like to interview some representatives of the voluntary and business sectors with an interest in child care, such as the PPA, CMA, and in some areas there is a Private Day Nurseries Association. Lastly, there are a number of local authority personnel, including yourself, who could offer me some useful information.

In parallel with the focus on developing and providing services under the Children Act, I am conducting a study of child protection practice among day care providers. For this I would be extremely grateful if I could interview someone in the local authority with a coordinating responsibility for child protection issues.

I will contact you by telephone in the next few days to discuss this letter in more detail, and many thanks in anticipation.

Yours sincerely

(b) Copy of ethical guidelines

Ethical guidelines were drawn up before the pilot study began in 1993. The guidelines were scrutinised by the Ethics Committee at TCRU. The following is a copy of the guidelines before scrutiny, at the end amendments in the light of this attention are given.

Ethical guidelines for Phd project attached to the Children Act project:

Child Protection in Day Care

I have read the draft report of the ethics subcommittee dated 5 April 1993, and have drawn up the following in the light of the guidelines and specific circumstance of my project.

All participants will be contacted and their consent requested. A consent form will be signed at interview. All interviewees will be offered similar confidentiality to that offered by the CA project, but the following will apply in addition.

All information given during interviews is done in confidence. However, I am interviewing child care providers (and others) about their practice in a sensitive area, child abuse, and during the course of interviews in child care facilities may come across direct, observational evidence of children injured or seriously at risk. If my information was such as to believe that any child's injury/distress was not being dealt with appropriately, I would be concerned.

My course of action:

- 1. Observe a child with evidence of injury/distress.*
- 2. Alert manager of the facility.*
- 3. If no appropriate action, discuss with member of ethics committee at TCRU, and then inform the manager of my intention to inform the local social services department.*
- 4. If no appropriate action, inform social services.*

Another scenario is that I observe injurious practice within the childcare facility. In this case I would:

- 1. Inform interviewee I believe the practice to be injurious and why.*
- 2. In absence of appropriate action, discuss with a member of the ethics committee, and then inform the manager, or failing that, the relevant social services advisor/officer responsible for that provision.*

With both possibilities, take immediate and full notes of observations and action taken.

In advance of interviews, I would prepare the local U8 Adviser/Registration Officer by informing them of the nature of the questions I will be asking of providers and the sole circumstance in which confidentiality with interviewees might be breached, ie, when a child observed by myself to be injured and no action taken.

Besides interviews, I will collect some data from social services referrals' databases. This will be requested in advance via the contact person in the local authority. (The 'key' person from stage one of the CA project, and already interviewed by me, or another member of the project team.) All information collected will be coded to become anonymous. In writing up the thesis, I will not mention local authorities or officers or service providers by name, but may attribute a statement to a post.

These guidelines were amended after discussion with the ethics committee, and before work was begun. The chief amendment was to agree that in the event of serious concerns to a child's physical health or wellbeing witnessed during an interview, I would take no action until I had discussed the matter with my supervisor. Any action such as contacting

the social services department would only be done after further discussion with the respondent by telephone after the interview, so that they were fully informed of my intended course of action. The second amendment was that the reference to collecting information directly from social services was deleted as the pilot work undertaken on these lines suggested this was too time consuming and of little value.

(c) Copy of consent form

A consent form as per the following was used with all respondents in both the pilot study and the main study.

THOMAS CORAM RESEARCH UNIT

Children Act and Under Eights

Child Protection in Daycare

CONSENT FORM

I _____, understand that neither

My name, nor the organisation I work for, (if applicable) will be revealed in any publication as a result of this project.

All information given by me is done so in confidence, and used for the declared research project only.

Occasionally in research of this kind, the Researcher may come across behaviour in children that concerns her, and she may want to discuss this with me.

The research results will be available.

I have the right to refuse to participate or call a halt to the interview at any time.

(d) Copy of letter sent to playgroups supervisors inviting participation in the study. Similar letters were sent to childminders and day nursery managers, personalised where possible, and on TCRU headed notepaper.

Playgroup Supervisor
St Michael's Playgroup

16 March 1994

Dear Playgroup Supervisor

I am writing to ask if you would agree to take part in a research project that is being completed in your area. This would mean talking to me, in confidence, about your work as a playgroup supervisor, for about an hour. I would visit you at the playgroup or in your home, at a time convenient to you. The social services department is aware that the project is taking place.

Thomas Coram Research Unit conducts studies of children, of people who look after children, and of child care policies. In 1992 the Unit was funded by the Department of Health to evaluate the impact of those parts of the Children Act 1989 which affect children under eight. Last year we talked to a wide range of local authority officers about their approach to implementing the Act. Now we would like to talk to people who provide services about their experiences.

This part of the project is looking in some detail at two districts in (Steeland/Goldenside). I am particularly interested in what helps and hinders setting up services. Alongside the Children Act project I am also conducting a study of Child Protection in day care. For this I am interested in looking at the way people who work in day care facilities look after the needs of individual children, particularly their emotional and physical health.

I will telephone you in the next few days to talk about the project further. Meanwhile I do hope that you will agree to take part.

yours sincerely

After the interview each respondent was sent a letter thanking them for their time and contribution to the study. A copy of this letter is set out below, again sent on TCRU headed notepaper.

Jayne C
Temperance Playgroup

1 February 1994

Dear Jayne and colleagues

I am writing to thank you for talking to me about your experiences in child care. Your contribution will form a valuable part of the research project looking at the impact of the Children Act on early childhood services in England and Wales.

With best wishes and good luck in your child care career.

Yours sincerely

APPENDIX SIX

DETAILS OF SAMPLING PROCEDURE - THE DAY CARE STUDY

The tables below summarise the samples and response rate by district and type of provision

A6:1 Childminders sampled, contacted, refused and interviewed in four districts.

	Steeland		Goldenside		
District	A	B	C		D
Sampled	10	10	19		9
Letters sent	9	10	8	6	9
Telephone contact	8	7	4	3	6
Uncontactable by telephone	1	3	4	2	0
Refusals	2 ¹	1	1		0
Interviewed	6	6	6 ²		6 ³

¹ One childminder excluded herself from the study on the grounds that she was only a part time 'relief' childminder and did not feel sufficiently 'in touch' with recent events and developments to participate.

² 14 letters were sent out, with five names in reserve. In the first batch, four were uncontactable, and of the four with whom contact was made, one refused. This left three interviews from the first batch. From the second batch of letters, two were uncontactable, and three agreed to be interviewed. I stopped telephoning at this point, holding one sampled and written to childminder in reserve.

³ Similarly, although nine letters were sent out, I stopped telephoning when six childminders had agreed to be interviewed. More letters were sent than the target number of interviews to allow for inaccuracies and refusals, both of which were difficult to predict in advance.

A6:2 Day nurseries sampled, contacted, refused and interviewed in four districts.

	Steeland		Goldenside	
Districts	A	B	C	D
Sampled	5	2	6	3
Letters sent	5	2	4	3
Telephone contact	3	2	4	2
Uncontactable by 'phone	1	0	0	1
Refusals	0	0	2	0
Interviewed	3 ¹	2	2 ²	2

¹ I stopped telephoning when three had agreed to be interviewed.

² Letters were sent to four only as it was apparent from the sample list that two proprietors owned two nurseries each and hence I wished to avoid interviewing the same person twice.

A6:3 Playgroups sampled, contacted, refused and interviewed in four districts

	Steeland		Goldenside	
Districts	A	B	C	D
Sampled	8	7	6	7
Letters sent	5	5	4	4
Telephone contact	4	4	5	4
Uncontactable by 'phone	1	1	0	0
Refusals	0	0	1	0
Interviewed	4	4	4 ¹	4

¹ Once one playgroup had refused, I had no 'written to' playgroups in reserve and so had to telephone another playgroup from the sampled list 'cold'.

Tables A6:4 and A6:5 summarise the totals of providers in each local authority by type of provider and the response rate by provider following the sampling procedure.

A6:4 Totals of respondent providers by local authority

	Steeland	Goldenside	total
Childminders	12	12	24
Day Nurseries	5	4	9
Playgroups	8	8	16
Total	25	24	49

A6:5 Response rates by provider type following sampling procedure

Totals	Sampled	Letters sent	Uncontactable by 'phone	Refusals	Telephone contact
Childminders	48	41	10	4	28
Day Nurseries	16	14	1	2	11
Playgroups	28	18	2	1	17
Total	92	73	12	7	56

APPENDIX SEVEN
SAMPLE INTERVIEW SCHEDULE FROM THE CHILDREN ACT PROJECT
INCORPORATING ‘ISSUES OF CHILD PROTECTION AND NEGLECT’

THOMAS CORAM RESEARCH UNIT

CHILDREN ACT AND UNDER EIGHTS - STAGE TWO

CONFIDENTIALITY: Consent form. Quotations may be used but names and organisations will not be revealed.

FEEDBACK: Will endeavour to provide some feedback, bearing in mind need to preserve confidentiality

- Notes.
- 1. Example given for playgroups; different versions of the schedule were adapted for interviews with day nursery managers and childminders.
 - 2. For reasons of space, the presentation of the interview schedule has been condensed.

THOMAS CORAM RESEARCH UNIT

SURVEY OF PLAYGROUPS ON THEME OF PROVISION

Write in details wherever necessary

Code ID _____

How long have you been a playgroup leader?

(Years) _____

Have you had any other kinds of employment?

Yes _____

No _____

Have you done any voluntary work with children?

Yes _____

No _____

Do you have any qualifications in child care or related subjects?
(write in dates of completion)

- PPA - Foundation
- PPA - Basic/Further Basic
- NVQ
- NNEB
- Teaching
- Nursing
- Other - ! year plus
- Other - (specify)
- none

What led you into this work?
Does the local authority do anything to encourage new playgroups?

Yes _____

No _____

Were there any problems getting registered?

Yes _____

No _____

Were there any problems getting children?

Yes _____

No _____

Do you know any playgroups that operate without being registered?

Yes _____

No _____

0 If so, do you know why they don't register?
1 Have you had an inspection by the SSD?

Yes _____

No _____

date _____

2 What was it like? eg worrying beforehand
helpful

F _____

W _____

H _____

SERVICE PROVIDED

How many children are you registered for (per session)?

total on register

What ages are the children in the playgroup?

- 2 -3
- 3 -4
- 4 -5

Could you describe the ethnic background of the children?

- White/European
- Black/Caribbean
- Asian/SE Asian
- Chinese
- Greek/Turkish/Mediterranean
- Other (specify)

Generally speaking are children in the playgroup children of

- relatives or friends/contacts
- strangers/advertised vacancies

Do you use Contracts with parents?

Yes
No

Does the local authority provide a standard form for this?
(if yes, obtain copy)

Yes
No

If not, what does the contract cover?

How many hours per week does the playgroup run?

- during term time
- during holidays

How much do you charge per hour?

Are there any kinds of children you wouldn't take?

- dietary
- health
- behaviour
- language - no first language in common
- physical disability
- learning difficulty
- other - describe
- none

Why?

Do you think that looking after children from cultures or racial groups
other than your own presents particular issues?

Yes
No

Has this been raised with you by social services?

Yes
No

	Have you ever had children with any special needs? eg dietary health behaviour language - <i>no first language in common</i> physical disability learning difficulty other - describe none	
0	Is this something you look for or specialize in?	Yes No
1	If you do , what kinds of issues or problems arise?	
2	Have you had children through the social services department?	Yes No
	Were these sponsored by the social services department?	Yes No
3	The Child Protection Register is a list of children thought to be 'at risk' of abuse or neglect.	
	Have you looked after children on the Child Protection Register?	Yes No
4	If yes , were you asked to do anything in addition to your normal duties? eg keep records observe behaviour, food consumption attend meetings with social worker/others take child to appointments (clinic, PGP etc.) other	
5	Do you think you would know if one of your children was on the Child Protection Register?	Yes No
	What makes you say that?	
CHANGES TO THE SERVICE		
	Do you think that playgroups have changed in recent years?	Yes No
	Has your playgroup changed at all?	Yes No
	Thinking back over the last 2 years or so, can you give me any examples of any changes?	
	Can you tell me what factors contributed to this? eg encouragement from support worker approached by parent encouragement from training course other	

If the service you offer has *stayed the same*, do you know why this is?
eg no children with special needs in area
no encouragement from local authority
content with service offered
other

Are there any ways in which you would like to expand your service in future?

What constraints might there be?

CONSULTATION/TRAINING/SUPPORT

Do you know of any courses in playgroup work?

Yes _____
No _____

Have you been on any courses provided by the local authority?

Yes _____
No _____

(write in names and dates of completion)

Were they helpful?

Have you been on any courses about playgroup work provided by any other organisation?

Yes _____
No _____

(write in names and dates of completion)

What constraints are there for you to attend courses?
not relevant
child care problems
finance
other

Have you ever wanted training that wasn't available?
If so, what?

Yes _____
No _____

Would you like any further training?
If so, what?

Yes _____
No _____

If not, do you see training as relevant to you?
Do you think the local authority puts on enough relevant courses?

Yes _____
No _____

Have there been any changes in the courses available to you in the past two years?

Yes _____

If so, what changes?

No _____

Has the local authority ever asked your views about services for young children in this area?

Yes _____

eg questionnaire
visit

No _____

If yes, what kind of things did they ask about?

	Do you remember when this was?	
1	Is there an under 8s forum in this area?	Yes _____ No _____
	Have you ever attended?	
	If not, why not?	
	eg irrelevant child care problems other	
	If yes, what kind of things are discussed?	
12	The Children Act requires the local authority to write a <i>review</i> of services for young children in the area.	
	Were you consulted about your views for the review?	Yes _____ No _____
	If yes, in what way?	
14	Do you ever meet up with other playgroup workers?	Yes _____ No _____
	In what circumstances?	
	eg support group?	
15	Is there anyone whose job is to offer support to you as a playgroup worker?	
	eg under 8s adviser/registration officer/day care adviser local authority support worker PPA support worker	_____ _____ _____
	Have you had any contact with them?	
16	With social services, do you feel you can talk to them at any time, about a small query, or does it have to be something serious?	
19	Thinking back over the last two years have there been any changes in the contact you have with the local authority?	Yes _____ No _____
	If yes, what changes in support have there been?	
ISSUES OF CHILD PROTECTION AND NEGLECT		
1	A sizeable minority of children experience illtreatment and neglect at some point in their lives and research shows that adults do not always recognise the signs and symptoms of abuse.	
	What do the words 'child abuse' mean to you? (write in details)	
	Thinking about the children you look after, what sort of things do you notice about their health or behaviour on an everyday basis?	
	Have you ever noticed sudden changes in any changes in any child's emotional health or physical behaviour?	Yes _____ No _____
	eg physically unwell change of behaviour - explicable change of behaviour -inexplicable other never	

If you are concerned about an individual child, what, if any, action do you take?

- inform child's parents
- inform child's health visitor or doctor
- inform your health visitor or doctor
- inform your under 8s adviser
- inform a social worker
- inform management committee
- someone else (specify)
- none of the above

If not covered above

6 In your opinion, has any child you have looked after suffered from child abuse?

Yes _____
No _____

What were/are the circumstances?
(write in details)

7 Over the course of your work, paid or unpaid, how many children do you think you have been concerned about?

8 When considering what action to take over concerns you may have, do the following issues worry you?

And if so, in what way?

- having a discussion with the child's parents?
- the child's parents taking the child elsewhere for day care?
- having to talk to social workers or police?
- having to attend a meeting, such as a child protection conference?
- have you ever attended a child protection conference?
- If so, how many times?

Yes _____
No _____
Yes _____
No _____
Yes _____
No _____
Yes _____
No _____
(no) _____
Yes _____
No _____

9 Is there something else you would have liked to have done?
If so, what?

Yes _____
No _____

10 Have you ever had concerns for a child but not contacted anyone about those concerns?

What were the circumstances?

Yes _____
No _____

11 Looking back, do you ever worry that there may have been times when you missed signs and symptoms of abuse in children you have looked after?

THE CHILDREN ACT 1989

Do you think the Children Act has made any difference to your
playgroup ?

Yes _____
No _____

Among the playgroup workers and parents you know, was the Children Act
talked about much?

Yes _____
No _____

Would you describe these comments as generally
eg positive
negative
indifferent

Is there anything we have talked about that you would like to ask me about?

THANK YOU VERY MUCH FOR HELPING WITH THIS RESEARCH

Date of interview _____
Start time _____
Finish time _____
Researcher _____

APPENDIX EIGHT

SELECTED STATUTE CONCERNED WITH CHILDREN - 1800 - 1989

- 1802 Act for the Preservation of the Health and Morals of Apprentices, 42, Geo III, c.63
- 1814 Child Stealing Act
- 1833 Factory Act, 3 & 4 , Will iv, c 103
- 1834 Poor Law Amendment Act, 4 & 5, Will iv, c76
- 1836 Registration of Births and Deaths Act, 6 & 7, Will iv, c.76
- 1840 Infant Felons Act, 3&4, Vict, c.90
- 1842 Mines Act, 5&6, Vict, c.90
- 1844 Poor Law Amendment Act, 7 & 8, Vict, c.101
- 1850 Poor Law Amendment Act, 13 & 14, Vict, c.101
- 1854 Reformatory Schools (Youthful Offenders) Act, Vict, c.86
- 1857 Industrial Schools Act, 20 & 21, Vict, c. 48
- 1857 Reformatory Schools Act, 20 & 21, Vict, c.55
- 1861 Offences Against the Person Act, 24 & 25, c.100
- 1862 Poor Law (Certified Schools) Act, 25 & 26, Vict, c.43
- 1868 Poor Law Amendment Act, 31 & 32, Vict, c.122
- 1870 Education Act, 33 & 34, Vict
- 1872 Infant Life Protection Act, 35 & 36, Vict, c. 38
- 1872 Bastardy Laws Amendment Act, 35& 36 Vict, 65
- 1874 Registration of Births and Deaths Act, 37 & 38, Vict, c.88
- 1886 Guardianship of Infants Act
- 1887 Probation of First Offenders Act, 50 & 51, Vict, c.25
- 1889 Protection of Cruelty to & Protection of Children Act, 52 & 53, Vict, C.44
- 1891 Custody of Children Act, 54 & 55, Vict, c.56
- 1894 Prevention of Cruelty to Children (Amendment) Act 57 & 58, Vict, c.27
- 1894 Prevention of Cruelty to Children Act, 57 &58 Vict, c.41
- 1897 Infant Life Protection Act, 60 & 61, Vict, c.57
- 1899 Poor Law Act, 62 & 63, Vict, c.37
- 1901 Youthful Offenders Act, 64, Vict, c.20
- 1902 Midwives Act
- 1906 Probation of Offenders Act, 7, Edw VII, c.57
- 1907 Probation of Offenders Act, 7 Edw VII, c17
- 1907 Notification of Births Act, 7 Edw VII, c.40
- 1907 Education (Administrative Provisions) Act, 7 Edw VII, c.43
- 1908 Children Act, 8 Edw VII, c.67
- 1911 National Insurance Act, 1 & 2 Geo V. c55
- 1918 Maternity and Child Welfare Act, 8 & 9, Geo V, c29
- 1926 Legitimacy Act, 16 & 17, Geo V, c60
- 1929 Local Government Act, 19, Geo V, c17
- 1930 Poor Law Act, 20, Geo V, c17
- 1933 Children and Young Persons Act, 23 & 24 Geo V, c12
- 1936 Public Health Act, 26 Geo V & Edw VIII, c49
- 1937 Children and Young Persons (Scotland) Act, Edw VIII and Geo VI, c37

1939 Adoption of Children (Regulation) Act, 2 & 3, Geo VI, c27
1944 Education Act, 7 & 8 Geo VI, c41
1946 National Assistance (Industrial Injuries) Act, 9 & 10, Geo VI, c62
1946 National Insurance Act, 9 & 10, Geo VI, c67
1946 National Health Service Act, 9 & 10, Geo VI, c81
1948 National Assistance Act, 11 & 12 Geo VI, c29
1948 Children Act, 11 & 12, Geo VI, c43
1949 Adoption of Children Act, 12, 13 & 14, Geo VI, c98
1950 Adoption Act, 14, Geo VI
1952 Children and Young Persons (Amendment) Act, 15 & 16, Geo VI & Eliz II, c50
1956 Family Allowances & National Insurance Act, 4 & 5, Eliz II, c50
1956 Affiliation Proceedings Act, 5 & 6, Eliz II, c 55
1958 Maintenance Orders Act, 6 & & Eliz II, c39
1958 Children Act, 6 & 7, Eliz II, c65
1958 Adoption Act, 7 & 8, Eliz II, c65
1959 Legitimacy Act, 7 & 8 Eliz II c73
1960 Matrimonial Proceedings (Magistrates Courts) Act, 8 & 9, Eliz II, c48
1960 Adoption Act, 8 & 9 Eliz, c59
1963 Children and Young Persons Act 11 & 12, Eliz II c37
1968 Health Services and Public Health Act
1969 Children and Young Persons Act 17 & 18, Eliz II c54
1975 Children Act, 23 & 24, Eliz II, c72
1980 Child Care Act
1989 Children Act

APPENDIX NINE

LIST OF CHILD ABUSE INQUIRY REPORTS

*1945 (O'Neill)	Report by Sir Walter Monckton, KCMG, KCVO, M.C., K.C. on the circumstances which led to the boarding out of Dennis and Terence O'Neill at Bank Farm, Minsterley, and the Steps taken to Supervise their Welfare, Cmnd 6636, HMSO
1973 (Bagnall)	Report of the Working Party of Social Services Committee of Inquiry into the circumstances surrounding the death of Graham Bagnall and the role of the County Council Social Services, Shropshire County Council
1974 (Piazzani)	Report of the Joint Committee set up to consider Co-ordination of Services Concerned with Non-accidental Injury to Children, Essex County Council, Social Services Department
*1974 (Colwell)	Report of the Committee of Inquiry into the Care and Supervision Provided to Maria Colwell, Secretary of State for Social Services, HMSO
1975 (Meurs)	Report of the Review Body appointed to Inquire into the Death of Steven Meurs, Norfolk County Council
1975 (Godfrey)	Report of the Joint Committee of Inquiry into Non-accidental Injury to Children with particular reference to the case of Lisa Godfrey, Lambeth Social Services Department
1975 (Clark)	Report of the Committee of Inquiry into the Consideration given and Steps taken towards securing the Welfare of Richard Clark by Perth Town Council and other persons or bodies concerned, HMSO
1975 (Auckland)	Report of the Committee of Inquiry into the Provision and Co-ordination of Services to the family of John George Auckland, Secretary of State for Social Services, HMSO
1976 (Howlett)	Joint Inquiry arising from the Death of Neil Howlett, Birmingham District Council, Social Services Department
1977 (Brewer)	Wayne Brewer. Report of the Review Panel, Somerset Area Review Committee
1978 (Spencer)	Karen Spencer, Report by Professor J.D. McClean, Professor of Law in the University of Sheffield, Derbyshire Social Services

	Department
1978 (Menheniott)	Report of the Social Work Service of DHSS into certain aspects of the Management of the case of Stephen Menheniott, DHSS, HMSO
1979 (Clarke)	Report of the Committee of Inquiry into the Actions of the Authorities and Agencies relating to Darryn James Clarke, Cmnd 7730, HMSO
1979 (Chapman)	Lester Chapman Inquiry Report, 1979, Berkshire and Hampshire County Council and Area Health Authority
1980 (Taylor)	Carly Taylor. Report of an Independent Inquiry, Leicester County Council and Area Health Authority
1980 (Brown)	The Report of the Committee of Inquiry into the case of Paul Steven Brown, Secretary of State for Social Services, HMSO
1980 (Haddon)	Claire Haddon, City of Birmingham Social Services Department
1981 (Peacock)	Report of Committee of Enquiry concerning Simon Peacock, Cambridgeshire and Suffolk County Council and Area Health Authorities
1981 (Page)	Malcom Page: Report by the Panel appointed by the Essex Area Review Committee
1981(Mehmedagi)	Maria Mehmedagi - Report of an Independent Inquiry, London Boroughs of Southwark and Lambeth, Southwark and Lewisham Area Health Authority, Inner London Probation
1981 (Pinder/ Frankland)	Christopher Pinder/ Daniel Frankland, Bradford Area Review Committee
1981 (Hughes)	Emma Jane Hughes, Borough Council of Calderdale
1982 (Caesar)	Jason Caesar, Cambridgeshire Social Services Committee
1982 (Fraser)	Richard Fraser, London Borough of Lambeth, Inner London Education Authority, Lambeth, Southwark and Lewisham Area Health Authority
1982 (Gates)	Lucy Gates, London Borough of Bexley, Greenwich and Bexley Area Health Authority

1984 (Woodcock)	Shirley Woodcock, London Borough of Hammersmith and Fulham
*1985 (Beckford)	A Child in Trust: Report of the Panel of Inquiry Investigating the Circumstances Surrounding the Death of Jasmine Beckford, London Borough of Brent
1985 (Carthy)	Reuben Carthy, Nottinghamshire Area Review Committee, Standing Inquiry Panel
1986 (Koseda)	Heidi Koseda, Hillingdon Area Review Committee
1986 (Salt)	Charlene Salt, Oldham District Review Committee
*1987 (Carlile)	A Child in Mind: Protection of Children in a Responsible Society: report of the Commission of Inquiry into the Circumstances Surrounding the Death of Kimberley Carlile, London Borough of Greenwich
*1987 (Henry)	Whose Child? The Report of the Panel Appointed to Inquire into the Death of Tyra Henry, London Borough of Lambeth
1988 (Plischkowsky)	Jason Plischkowsky, Hampshire County Council
*1988 (Cleveland)	Report of the Committee of Inquiry into Child Abuse in Cleveland 1987, Cm 412, (Butler-Sloss) HMSO
1989 (Aston)	The Doreen Aston Report, London Boroughs of Lambeth, Lewisham and Southwark Area Review Committee
1989 (McGoldrick)	Karl John McGoldrick, Northern Regional Health Authority
1989 (Johnson)	Liam Johnson, Islington Area Child Protection Committee
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